

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



January 10, 2014

Claire Cooper, CMC
City Clerk
City of Petaluma
11 English Street
Petaluma, CA 94952

RE: Ordinance #2474 and 2475

Dear Ms. Cooper:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 4, 2013.

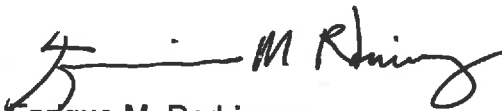
Our review finds the submittal to contain two ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modifications are accepted for filing and are enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

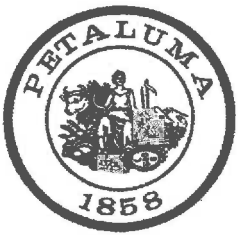
On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF PETALUMA

POST OFFICE BOX 61
PETALUMA, CA 94953-0061

David Glass
Mayor

Chris Albertson
Teresa Barrett
Mike Harris
Mike Healy
Gabe Kearney
Kathy Miller
Councilmembers

December 2, 2013

2013 DEC -4 P 2 13

CALIFORNIA BUILDING
STANDARDS COMMISSION

California Building Standards Commission
2525 Natomas Drive, Suite 130
Sacramento, CA 95833-2936

Dear California Building Standards Commission Representative:

Please find enclosed City of Petaluma Ordinances 2474 N.C.S. and 2475 N.C.S. Both ordinances become effective December 19, 2013.

Ordinance 2474 N.C.S. repeals and replaces Sections 17.20.010, 17.20.040, 17.20.050 and 17.20.060 of the Petaluma Municipal Code to Adopt the 2013 California Fire Code, California Building Standards Code, Title 24, Part 9, Based on the 2012 Edition of the International Fire Code, Including Local Amendments to Specified Provisions of the California Building Standards Code.

Ordinance 2475 N.C.S. adopts the 2013 Edition of the California Building Standards Code, Including: Part 1, 2013 California Administrative Code; Part 2, 2013 California Building Code; Part 2.5 California Residential Code; Part 3, 2013 California Electrical Code; Part 4 2013 California Mechanical Code; Part 5 2013 California Plumbing Code; Part 6, California Energy Code; Part 8, 2013 California Historical Building Code; Part 10, 2013 California Existing Building Code; Part 11 2013 California Green Building Standards Code; and Part 12, 2013 California Referenced Standards Code, and Local Amendments to Specified Provisions of the California Building Standards Code.

Also enclosed are additional cover pages of each ordinance. Please stamp these pages to certify receipt of the ordinances and return them to us in the enclosed self-addressed stamped envelope.

Sincerely,

Claire Cooper, CMC
City Clerk

City Clerk
11 English Street
Petaluma, CA 94952

Phone (707) 778-4360
Fax (707) 778-4554

E-Mail:
cityclerk@ci.petaluma.ca.us

**EFFECTIVE DATE
OF ORDINANCE**

December 19, 2013

ORDINANCE NO. 2474 N.C.S.

DEC 02 2013

ATTEST

CLAIRE COOPER
CITY CLERK CITY OF PETALUMA

ATTEST

NAME

TITLE

Introduced by

Seconded by

Gabe Kearney

Mike Healy

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF PETALUMA REPEALING
AND REPLACING SECTIONS 17.20.010, 17.20.040, 17.20.050 AND 17.20.060 OF THE
PETALUMA MUNICIPAL CODE TO ADOPT THE 2013 CALIFORNIA FIRE CODE, CALIFORNIA
BUILDING STANDARDS CODE, TITLE 24, PART 9, BASED ON THE 2012 EDITION OF THE
INTERNATIONAL FIRE CODE, INCLUDING LOCAL AMENDMENTS TO SPECIFIED PROVISIONS
OF THE CALIFORNIA BUILDING STANDARDS CODE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

SECTION 1: Sections 17.20.010, 17.20.040, 17.20.050 and 17.20.060 of the Petaluma
Municipal Code are hereby repealed in their entirety.

SECTION 2: Pursuant to California Health and Safety Code section 17958.7, the City
Council makes the factual findings set forth in "Exhibit A" attached hereto and incorporated
herein by reference, and finds that the amendments made in this Ordinance to the California
Building Standards Code, Title 24, Part 9, 2013 California Fire Code, based on the 2012 Edition of
the International Fire Code, are reasonably necessary because of the local climatic, geological
or topographical conditions set forth in said Exhibit.

SECTION 3: Section 17.20.010 of the Petaluma Municipal Code is hereby added to read
as follows:

**17.20.010 - ADOPTION OF CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, PART 9, 2013
CALIFORNIA FIRE CODE, INCORPORATING THE 2012 EDITION OF THE INTERNATIONAL FIRE
CODE**

There is hereby adopted by the City of Petaluma for the purpose of prescribing
regulations governing conditions hazardous to life and property from fire, hazardous
materials or explosion, that certain Code and Standards known as the California Code of
Regulations Title 24, Part 9, 2013 California Fire Code (CFC), incorporating the 2012 Edition
of the International Fire Code, including Appendices, Chapter 4, A, B, C, D, E, F, G, H, I,
and J published by the International Code Council and the California Building Standards
Commission, being particularly the 2013 Edition California Fire Code (CFC) and the whole
thereof, save and except such portions as are hereinafter deleted, added or amended

1 by this chapter. Not less than one copy of said code has been and is now filed in the
2 Office of the Clerk of the City and the same is adopted and incorporated as fully as if set
3 out at length herein and the provisions thereof shall be controlling within the limits of the
4 City.

5
6 **SECTION 4:** Section 17.20.040 of the Petaluma Municipal Code is hereby added to read
7 as follows:

8
9 **17.20.040 - Establishment of Fire Hazard Severity Zone(s) (FHSZs)**

10 (a) Limits related to Chapter 49 of the California Fire Code Requirements for
11 Wildland-Urban Interface Fire Areas as amended and adopted by City of Petaluma.
12 Chapter 49 shall apply to all real property with newly constructed buildings within the City
13 of Petaluma located within the (FHSZ) as designated by the Chief and the Fire Resources
14 Assessment Program (FRAP) map published by Cal Fire and as amended by the Chief. A
15 map of such areas is maintained in the office of the Fire Prevention Bureau.

16
17 **SECTION 5:** Section 17.20.050 of the Petaluma Municipal Code, entitled "Amendments
18 Made in the California Fire Code," is hereby added to include the following additions,
19 amendments and deletions to the 2013 California Fire Code:

20
21 **CHAPTER 1 -- SCOPE AND ADMINISTRATION**

22
23 **Section 101.1** is amended to read as follows:

24
25 **101.1 - Title.** This chapter shall be known as the "2013 California Fire Code," including the
26 appendices and may be cited and referred to as such.

27
28 **Section 102.3** is amended to read as follows:

29
30 **102.3 - Change of Use or Occupancy.** No change shall be made in the use or
31 occupancy of any structure that would place the structure in a different division of the
32 same group or occupancy or in a different group of occupancies, unless such structure is
33 made to comply with the requirements of this code, the California Building Code as
34 adopted by the City of Petaluma City Council (City Council), and the International
35 Building Code. Subject to the approval of the Fire Code Official, the use or occupancy
36 of an existing structure shall be allowed to be changed and the structure is allowed to be
37 occupied for purposes in other groups without conforming to all the requirements of this
38 code, the California Building Code as adopted by the City Council, and the International
39 Building Code for those groups, provided the new or proposed use is less hazardous,
40 based on life and fire risk, than the existing use.

41
42 **Section 102.7.3** is added to read as follows:

43
44 **102.7.3 - Supplemental Rules, Regulations and Standards.** The Fire Code Official is
45 authorized to render interpretations of this code and to make and enforce rules and
46 supplemental regulations and to develop Fire Prevention Standards to carry out the
47 application and intent of its provisions.

48
49 **Section 103.1.1** is added to read as follows:

1 **103.1.1 - General.** Where this code refers to the Department of Fire Prevention, the Fire
2 Prevention Bureau will be inserted. Where this code refers to the Fire Marshal, the Fire
3 Code Official will be inserted.
4

5 **Section 104.3** is amended to read as follows:
6

7 **104.3 - Right of Entry.**
8

9 (a) The Fire Chief, or his/her authorized representative in the performance of duties
10 herein prescribed, shall have the right to enter upon and into any and all premises under
11 his/her jurisdiction, at all reasonable hours for the purpose of inspecting the same to
12 determine whether or not the provisions of this code and all applicable laws or
13 Ordinances pertaining to the protection of persons and property from fire, explosion or
14 exposure to hazardous materials are observed therein. Provided, however, that an
15 inspection warrant, issued pursuant to Title 13, Part 3 of the Code of Civil Procedure be
16 first secured where entry is refused, except in an emergency situation. No owner,
17 occupant or any other person having charge, care or control of any building or premises
18 shall fail or neglect, after proper request is made as herein provided to promptly permit
19 entry therein by the Chief or his/her authorized representative for the purpose of
20 inspection and examination pursuant to this code.
21

22 (b) The Fire Chief, and his/her duly authorized representative, shall have the authority
23 to enter any building, or premises for the purpose of extinguishing or controlling any fire,
24 performing rescue operation, investigating the existence of suspected or reported fires,
25 gas leaks or other hazardous conditions or taking any other action necessary in the
26 reasonable performance of their duty.
27

28 **Section 104.7.2** is amended to read as follows:
29

30 **104.7.2 - Technical Assistance.** To determine the acceptability of technologies,
31 processes, products, facilities, materials and uses attending the design, operation or use
32 of a building or premises subject to inspection by the Fire Code Official, the Fire Code
33 Official is authorized to require the owner or agent to provide, without charge to the
34 jurisdiction, a scope of work, technical opinion, and all the reports necessary to verify
35 compliance with the applicable codes and standards. The opinion and report shall be
36 prepared by a qualified engineer, specialist, and laboratory or fire safety specialty
37 organization acceptable to the Fire Code Official and shall analyze the fire safety
38 properties of the design, operation or use of the building or premises and the facilities
39 and appurtenances situated thereon, to recommend necessary changes. The Fire Code
40 Official is authorized to require design submittals to be prepared by, and bear the stamp
41 of, a registered design professional.
42

43 **Section 104.11.4** is added to read as follows:
44

45 **104.11.4 - Charges.** The expense of securing any emergency that is within the
46 responsibility for enforcement of the Fire Chief as given in Section 104.11 is a charge
47 against the person who caused the emergency. Damages and expenses incurred by
48 any public agency having jurisdiction or any public agency assisting the agency having
49 jurisdiction shall constitute a debt of such person to the City and shall be collectable by
50 the Fire Chief for proper distribution in the same manner as in the case of an obligation
51 under an expressed or implied contract. Expenses as stated above shall include, but not
52 be limited to, equipment and personnel committed and any payments required by the

public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation and clean up the site.

Section 105.1.4 is added to read as follows:

105.1.4 - New Materials and Permits. The Fire Chief and the Fire Code Official may act as a committee to determine and specify any new regulated materials, and shall establish processes or occupancies requiring permits in addition to those enumerated in this code. The Fire Chief or designee shall post such list in a conspicuous place in the office, and distribute copies thereof to interested persons. Permits under this section shall be administered in accordance with Section 105.

Section 105.6.8 (Table 105.6.8) is amended to read as follows:

Table: 105.6.8
Permit Amounts for Compressed Gases

Type of Gas	Amount (cubic feet at NTP)
Corrosive	200
Flammable (except liquefied petroleum gas)	200
Highly toxic	Any Amount
Inert and simple asphyxiate	2,000
Oxidizing (including Oxygen)	200
Pyrophoric	Any Amount
Toxic	Any Amount

Section 105.6.2.1 is added to read:

105.6.2.1 – Apartment, Hotel, or Motel. An operational permit is required to operate an apartment house, hotel, or motel.

Section 105.6.11.1 is added to read as follows:

105.6.11.1 - Day Care. An operational permit is required to operate a day care facility with an occupant load of six (6) or more children.

Section 105.7.6.1 is added to read as follows:

105.7.6.1 - Fixed Extinguishing System. A construction permit is required for the installation of or modification to fixed extinguishing systems including but not limited to protection of cooking equipment, protection of computers or other high value items or systems other than fire sprinklers.

Section 105.6.29.1 is added to read as follows:

105.6.29.1 - Model Rockets Rental, Sale or Operation. An operational permit is required to operate, manufacture, import, export, possess, store, rent or sell model rockets as defined Health and Safety Code Section 12519.

Section 105.6.39.1 is added to read as follows:

1 **105.6.39.1 - Residential and Commercial Institutional Care Occupancy.** An operational
2 permit is required to operate residential or commercial institutional care occupancy.
3 Occupancies complying with Health and Safety Code Section 13235 are exempt.
4

5 **Section 105.6.39.2** is added to read as follows:
6

7 **105.6.39.2 - Retail Sales of Fireworks.** An operational permit to engage in the sales or
8 distribution of state-approved fireworks is required.
9

10 **Section 105.7.11.1** is added to read as follows:
11

12 **105.7.11.1 - Medical Gas Systems.** A construction permit is required to install a medical
13 gas system.
14

15 **Section 105.7.12** is amended to read as follows:
16

17 **105.7.12 - Private Fire Hydrants and Underground Fire Main Installations.** A construction
18 permit is required for the installation of any private fire hydrants and/or underground fire
19 mains to supply fire hydrant(s) and/or fire sprinklers.
20

21 **Section 108.1** is amended to read as follows:
22

23 **Section 108.1 – Appeals**
24

25 (a) Appeals. Whenever the Fire Chief disapproves an application or refuses to grant
26 a permit applied for, or when it is claimed that the provisions of the code do not apply or
27 that the true intent and meaning of the code have been misconstrued or wrongly
28 interpreted, the applicant may appeal from the decision of the Fire Chief to the board of
29 appeals, which is designated to be the board of building review as heretofore
30 established and appointed according to Chapter 17.08 of the Petaluma Municipal
31 Code, within thirty (30) days from the date of the decision appealed. The Fire Chief shall
32 act as secretary of the board when it is hearing appeals concerned with the Fire Code.
33

34 (b) Fireworks Booth Sales Permits. Notwithstanding Section (a), the following appeals
35 procedure shall apply exclusively to permits for Fireworks Booths Sales under this Code.
36 Any person aggrieved by a decision of the Fire Chief, or his/her designee, to disapprove
37 an application, refuse to grant a permit, place conditions on a permit, or revoke a
38 fireworks booth sales permit shall have a right of appeal of the decision to the City
39 Manager, or his/her designee. Such appeal shall be taken by filing a written notice of
40 appeal with the City Clerk within ten (10) days of the date of the decision. The appeal
41 shall set forth the grounds for the appeal and the name and address of the person
42 requesting the appeal. A failure to file a timely and complete appeal shall render the
43 decision final and conclusive. The City Manager shall, within ten (10) days of the filing of
44 the appeal, set a time and place for a hearing on the appeal. The appeal shall be set no
45 less than five (5) days after the filing of the appeal and no more than sixty (60) days after
46 the filing of the appeal. The City Manager's determination following the hearing shall be
47 in writing and shall contain a statement of the facts upon which the determination is
48 based. The City Manager's determination shall be sent first-class U.S. mail, postage
49 prepaid to the person requesting the appeal, not later than ten (10) days following the
50 date of such determination. The determination of the City Manager shall be final and
51 conclusive. (Ord. 2175 NCS §3, 2004; Ord. 1997 NCS §1 (part), 1995.)

1
2 **Section 108.3** is deleted in its entirety.

3
4 **Section 109.4** is amended as follows:

5
6 **109.4 - Violation Penalties**

7
8 (a) Any violation of the provisions of this section shall be a misdemeanor.
9 Notwithstanding the preceding sentence, a violation of the provisions of this section may
10 be charged and prosecuted as an infraction at the discretion of the City Attorney's
11 office or other enforcing authority.

12
13 (b) A person is guilty of a separate offense for each day during which he/she
14 commits, or continues or permits a violation of this chapter, or each time he/she disobeys
15 a valid order of an enforcement officer.

16
17 (c) Because of the serious threat of fire or injury posed by the use of "Dangerous
18 Fireworks" that can result from persistent or repeated failures to comply with the provisions
19 of this code and the effect of such conditions or activities on the safety and the use and
20 enjoyment of surrounding properties and to the public health, safety and welfare, this
21 Article imposes liability upon the owners of residential real property for all violations of this
22 code existing on their residential real property. Each contiguous use, display and/or
23 possession shall constitute a separate violation and shall be subject to a separate
24 administrative fine.

25
26 (d) Nothing in this section shall prohibit a court from imposing restitution upon any
27 person convicted of a violation of the provisions of this section.

28
29 (e) In addition to any other remedies available to the City under any applicable
30 state or federal statute or pursuant to any other lawful power the City may possess, any
31 violation of this chapter may be prosecuted or enforced as a nuisance and enforced by
32 a civil court action as provided in Chapter 1.13 of the Petaluma Municipal Code or via
33 administrative enforcement as a nuisance as provided in Chapter 1.14 of the Petaluma
34 Municipal Code as Chapters 1.13 and 1.14 may be amended from time to time.

35
36 (f) Administrative Citation pursuant to Petaluma Municipal Code Chapter 1.16. In
37 addition to any other remedies available to the City under any applicable state or
38 federal statute or pursuant to any other lawful power the City may possess, any violation
39 of this Chapter may be enforced by administrative citation pursuant to Chapter 1.16 of
40 the Petaluma Municipal Code as Chapter 1.16 may be amended from time to time.

41
42 (g) Administrative Citation pursuant to Health & Safety Code Section 12557. In
43 addition to any other remedies available to the City under any applicable state or
44 federal statute or pursuant to any other lawful power the City may possess, any violation
45 of this Chapter may be enforced by administrative citation pursuant to Health & Safety
46 Code Section 12557 when a violation relates to the possession, use, storage, sale and/or
47 display of those fireworks classified as dangerous fireworks as defined herein and/or the
48 use of state-approved fireworks as defined herein on or at dates, times and/or locations
49 other than those permitted by this Ordinance.
50

1 1. The imposition of fines related to dangerous fireworks under this section
2 109.4(g) shall be limited to persons who possess, sell, use and/or display, or to the
3 seizure of less than 25 pounds (gross weight) of such dangerous fireworks.
4

5 2. Fines collected pursuant to this section 109.4(g) shall not be subject to
6 Health & Safety Code section 12706, which provides that certain fines collected
7 by a court of the state be deposited with, and disbursed by, the County
8 Treasurer. However, the City shall provide cost reimbursement to the State Fire
9 Marshal pursuant to regulations as adopted, or as may be adopted by the State
10 Fire Marshal addressing the State Fire Marshal's cost for the transportation and
11 disposal of dangerous fireworks seized by the City, which costs will be part of any
12 administrative fine imposed. Unless and until such regulations have been
13 adopted by the State of California, the City shall hold in trust \$250 or 25% of any
14 fine collected, whichever is greater, to cover the cost of reimbursement to the
15 State Fire Marshal for the cost of transportation and disposal of any dangerous
16 fireworks seized by the City.
17

18 3. Other than as expressly modified herein, enforcement of violations by
19 administrative citation pursuant to Health & Safety Code Section 12557 shall be
20 subject to the provisions of Petaluma Municipal Code Chapter 1.16.
21

22 **Section 109.5** is added to read as follows:
23

24 **Section 109.5 - Authority to Issue Citations.** The Fire Chief and members of the Fire
25 Prevention Bureau who have the discretionary duty to enforce a statute or Ordinance
26 may, pursuant to Section 836.5 of the California Penal Code and subject to the provisions
27 thereof, arrest a person without a warrant whenever the Fire Chief or member of the Fire
28 Prevention Bureau has reasonable cause to believe that the person to be arrested has
29 committed a violation in the presence of the Fire Chief or member of the Fire Prevention
30 Bureau which he or she has discretionary duty to enforce, and to issue a notice to
31 appear and to release such person on his or her written promise to appear in court,
32 pursuant to the provisions of Section 853.5 et seq. of the California Penal Code.
33

34 **Section 111.1** is amended to read as follows:
35

36 **111.1 - Order/Authority.** Whenever the Fire Code Official finds any work regulated by this
37 code, the Petaluma Municipal Code or the Zoning Ordinance being performed in a
38 manner contrary to the provisions of this code, without a permit, beyond the scope of
39 the issued permit, in violation of this code, the Petaluma Municipal Code or Zoning
40 Ordinance, or deemed as dangerous or unsafe, the Fire Code Official is authorized to
41 issue a stop work order.
42

43 **Section 111.2** is amended to read as follows:
44

45 **111.2 – Issuance.** The stop work order shall be in writing and shall be posted in a visible
46 location near the location where the work is being conducted. If the owner or owner's
47 agent is not on site at the time of posting, a notice advising the reasons for the stop work
48 order issuance shall be hand delivered or mailed first-class to the owner of the property
49 involved, or to the owner's agent, or to the person doing the work. Upon issuance of a
50 stop work order, the cited work shall immediately cease. The stop work order shall state
51 the reason for the order, the conditions under which the cited work will be permitted to

resume, and the name and contact information of the official or agency issuing the order.

Section 111.3 is amended to read as follows:

111.3 - Emergencies/Unlawful Continuance. Where an emergency exists, the Fire Code Official shall not be required to give written notice prior to stopping work. Any person who continues to engage in any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor.

Section 111.4 is amended to read as follows:

111.4 - Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalty provisions of the City of Petaluma Municipal Codes or state law.

Section 111.4.1 is added to read as follows:

111.4.1 - Removal of Posted Stop Work Order. Any person who removes a posted stop work order without written consent of the Fire Code Official shall be guilty of a misdemeanor.

Section 111.4.2 is added to read as follows:

111.4.2 - Response Required. Violators receiving a stop work order are required to respond to the Fire Prevention Bureau within two (2) business days of the issued notice to receive instructions on how to rescind the order.

Section 111.4.3 is added to read as follows:

111.4.3 - Permit Application Required. A fire permit application must be submitted for approval within fifteen (15) working days following response to the Fire Prevention Bureau. Plans will be reviewed and correction letters issued or permit application approved within fifteen (15) working days of receipt by the Fire Prevention Bureau. A response to any correction letter must be submitted within fifteen (15) working days of the date of the correction letter. Five working days will be required to review this second submission and a permit approved for issuance. Permits ready for issuance must be issued within five (5) working days thereafter. All construction must be inspected as work progresses and signed off by all (affected) departments within sixty (60) days of permit issuance.

Section 111.4.4 is added to read as follows:

111.4.4 –

111.4.4—Stop Work Order Penalty. The Fire Code Official may impose Stop Work Order Penalties in accordance with Section 1.14.050 of this code and/or other applicable law.

CHAPTER 3 – GENERAL PRECAUTIONS AGAINST FIRE

Section 304.1.2.1 is added to read as follows:

304.1.2.1 - Defensible Space-Neighboring Property. Persons owning, leasing or controlling property within areas requiring defensible spaces are responsible for maintaining a defensible space on the property owned, leased or controlled by said person, of not less than thirty feet (30') (9.1.44 m) around any building or structure. Distances may be modified by the Fire Code Official because of a site-specific analysis based on local conditions.

Section 307.2.1.1 is added to read as follows:

307.2.1.1 – Use of Outdoor BBQs, Fireplaces and Fire Pits. The use of outdoor BBQs, fireplaces and fire pits shall meet the requirements set forth in the Petaluma Fire Department's guidance document entitled *Outdoor Fireplace/Fire Pit Guidelines*.

CHAPTER 5 – FIRE SERVICE FEATURES

Section 501.1 is amended to read as follows:

501.1 - Scope. Fire service for buildings, structures and premises shall comply with this chapter. This section applies to residential and commercial developments. Single family residential projects in approved rural areas shall comply with the Fire Safety Standards. Design and construction shall be in accordance with the following sections, unless otherwise authorized by the Fire Code Official in accordance with Section 104.9 - Alternative Materials and Methods.

Section 502.1 is hereby amended to include the following definitions:

Fire Apparatus Access Road. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway. Public streets may be defined by the standards of the local agency having jurisdiction over the project.

Floor Area. The floor area used for calculating the required fire flow shall be the total floor area of all floor levels within the exterior walls of a structure that are under the horizontal projection of the roof, except as modified in Appendix Section B104 of the 2013 California Fire Code.

Section 503.2.6 is amended to read as follows:

503.2.6 - Bridges and Elevated Surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Code Official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the Fire Code Official.

Section 503.2.6.1 is added to read:

1 **503.2.6.1 - Evaluation.** All existing private bridges and elevated surfaces shall be
2 evaluated by a California licensed civil engineer experienced in structural engineering or
3 a California licensed structural engineer for the purposes of safety and weight rating and
4 the vehicle load limits shall be posted at both entrances to bridges. These evaluations
5 shall be performed at the direction of the Fire Code Official.
6

7 **Section 503.2.6.2** is added to read:
8

9 **503.2.6.2 - Bridge Maintenance.** All new and existing bridges and elevated structures
10 providing emergency access shall be routinely evaluated and maintained in
11 accordance with the American Association of State Highway and Transportation Officials
12 (AASHTO) Manual: "The Manual for Bridge Evaluation," First Edition, 2008, published by
13 the American Association of State Highway and Transportation Officials; or other
14 approved standard.
15

16 **Section 503.2.7.1** is added to read as follows:
17

18 **503.2.7.1 - Grade Angles.** The maximum allowable grade for driveways and roadways
19 used for fire apparatus access is twelve percent (12%). Special allowances up to a
20 maximum of eighteen percent (18%) may be granted with the approval of the Fire Code
21 Official and City Engineer.
22

23 **Section 505.1** is amended to read as follows:
24

25 **505.1 - Address Identification.** New and existing buildings shall be provided with
26 approved illuminated address numbers or letters. They shall be installed on a contrasting
27 background and be plainly visible from the street or road fronting the property. Address
28 numbers shall be Arabic numerals or alphabetic letters. Where access is by means of a
29 private road and the building cannot be viewed from the public way, a monument,
30 pole, or other approved sign or means shall be used to identify the structure. Address
31 identification shall comply with Fire Department Standards.
32

33 **Section 505.1.1** is added to read as follows:
34

35 **505.1.1 - One and Two-Family Dwellings.** Numbers for one and two-family dwellings shall
36 be a minimum of four inches (4") (101.6mm) high with a minimum stroke width of 0.5
37 inches (12.7 mm).
38

39 **Section 505.1.2** is added to read as follows:
40

41 **505.1.2 - Numbers for Other Than One- and Two-Family Dwellings.** Numbers for other
42 than one- and two-family dwellings shall be a minimum of twelve inches (12") high with a
43 minimum stroke width of one inch (1"). Suite and unit directional numbers shall be a
44 minimum of six inches (6") in height with a minimum stroke width of 0.75 inches.
45 Individual unit numbers shall be a minimum of four inches (4") in height with a minimum
46 of strike width of one-half inch (1/2").
47

48 **Section 505.1.3** is added to read as follows:
49

50 **505.1.3 - Complex Directory.** Where two (2) or more buildings are set back off the street
51 in excess of one hundred fifty feet (150') or when required by the Fire Code Official, an

1 approved illuminated complex directory shall be provided at the main entrances to the
2 property.
3

4 **Section 506.1** is amended to read as follows:
5

6 **Section 506.1 - Key Boxes.** When access to or within a structure or area is determined to
7 be unduly difficult by the Fire Code Official because of secured openings (doors or
8 gates) or due to the presence of hazardous materials or fire protection systems, a key
9 box shall be required to be installed at an accessible location. The key box shall be an
10 approved type and contain those keys necessary to gain access.
11

12 **Section 507.3.1** is added to read as follows:
13

14 **507.3.1 - Adequate Water Supply.** Minimum fire flow for buildings shall be calculated as
15 specified in California Fire Code Section B105 of Appendix B "Fire-Flow Requirements for
16 Buildings." If building fire flow calculations cannot be made at the time of project
17 submittal, the following fire flows shall apply. When the building fire flow calculations are
18 submitted, these flows shall be adjusted in accordance with Appendix B:
19

- 20 • Single and Two Family Residential: 1,500 GPM
- 21 • Commercial, Industrial, Schools and Multi-Family Residential: 2,500 GPM
- 22 •

23 Fire flows for single-family dwellings may be reduced to the minimum flow as permitted
24 by Appendix B so long as the residual pressure shall be a minimum of twenty pounds (20
25 lbs.) per square inch (psi) available for firefighting.
26

27 **Section 507.5** is amended to read as follows:
28

29 **507.5 - Fire Hydrant Systems.** Fire hydrant systems shall comply with Sections 507.5.1
30 through 507.5.6 and Appendix C as amended.
31

32 **Section 507.5.1** is amended to read as follows:
33

34 **507.5.1 - Where Required.** Where a portion of the facility or building hereafter
35 constructed or moved into or within the jurisdiction is more than 150 feet (45.179 m) from
36 a hydrant on a fire apparatus access road, as measured by an approved route around
37 the exterior of the facility or building, on-site fire hydrants and mains shall be provided
38 where required by the Fire Code Official.
39

40 **Section 507.5.1** the exception is deleted.
41

42 **Section 507.5.1.2** is added to read as follows:
43

44 **507.5.1.2 - Additional Requirements.**
45

46 (a) Upon review of site conditions by the Fire Department, fire hydrant spacing
47 requirements may be reduced or modified. Fire hydrants shall be placed along all
48 adjoining public and private streets and Fire Department access drives.
49

50 (b) Divided streets shall have hydrants located as required by the Fire Code Official
51 on both sides of the street and they shall be staggered to prevent a hydrant being
52 placed directly across the divided street from another hydrant.

(c) Types of Hydrants: Hydrants shall conform to the City of Petaluma Sewer and Water Design and Construction Standards.

CHAPTER 7 – FIRE RESISTANCE-RATED CONSTRUCTION

Section 706 is added to read as follows:

706 - Repair of Breaches of Non-Rated Walls/Ceilings in Fire Zone 1. Breaches, openings, holes or other broken wall and ceiling areas in buildings in Fire Zone 1 (generally defined as the Downtown Business District) as defined in Section 17.22 of the Petaluma Municipal Code shall be repaired, restored or replaced when damaged, altered, breached, penetrated, removed or improperly installed. Openings/breaches can be repaired with like material such as lath and plaster, sheetrock, plywood or other reasonable barrier. The intent of this Section is to close openings/breaches to limit the spread of fire and products of combustion in the downtown business district buildings.

CHAPTER 9 – FIRE PROTECTION SYSTEMS

901.7.6.1 is added to read as follows:

901.7.6.1 - Problematic and Unreliable Fire Alarms. The Fire Chief may determine a fire alarm to be unreliable upon receipt of more than three (3) false alarms within a twelve-month period. Upon making such a finding, the Fire Chief may order the following:

(a) For any nuisance alarm where the system is not restored, the Fire Chief may require the system owner to provide standby personnel or take such other measures as the Fire Chief deems appropriate. Such measures shall remain in place until a fire department approved fire alarm maintenance firm certifies in writing to the Fire Chief that the alarm system has been restored to a reliable condition. The Fire Chief may require such tests as he/she deems necessary to demonstrate the adequacy of the system.

(b) Require the owner to pay mitigation fees pursuant to the City of Petaluma fee schedule.

Section 903.2 is amended to read as follows:

903.2 - Where Required. Approved automatic sprinkler systems in new buildings and structures shall be provided in locations described in this section. Additional local requirements are described in Sections 903.2.1 through 903.2.19.1.2 and may supersede the following requirements. The most restrictive requirement shall apply.

Section 903.2.20 is added to read as follows:

903.2.20 - Local Fire Sprinkler System Requirements.

Section 903.2.20.1 is added to read as follows:

903.2.20.1 - System Requirements. An approved automatic fire sprinkler system shall be installed and maintained in all newly constructed buildings.

Exceptions:

1. Detached Group U occupancies one thousand square feet (1,000' sq.) or less. Agricultural buildings and private riding arenas as approved by the Fire or Building Code Official.
2. Detached pool houses up to one thousand square feet (1,000' sq.) in floor area within fifty feet (50') of the pool and limited to a single bathroom.
3. Detached non-combustible motor vehicle fuel dispensing canopies classified as a Group M occupancy.
4. A room above a detached garage used for storage only that does not contain a bathroom, cooking or refrigeration facilities.
5. Detached carports of noncombustible construction with non-habitable spaces above.
6. Detached Group B or M occupancies five hundred square feet (500' sq.) or less.

Section 903.2.20.2 is added to read as follows:

903.2.20.2 – Additions-Residential. Additions to existing residential buildings that increase the total square footage of existing floor area by fifty percent (50%) or greater shall meet the requirements for a newly constructed building. This requirement applies to the cumulative effect on square footage of 50% or greater as a result of additions taking place over a five year period involving one or more building permits. All additions to residential buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.

Section 903.2.20.3 is added to read as follows:

903.2.20.3 - Remodels, Repairs and/or Alterations. Residential remodels, repairs and/or alterations, individually or any combination thereof, involving fifty percent (50%) or greater of square footage of the existing floor area shall meet the requirements for a newly constructed building. This requirement applies to the cumulative effect on square footage of fifty percent (50%) or greater as a result of remodels, repairs and/or alterations taking place over a five year period involving one or more building permits.

Section 903.2.20.5 is added to read:

903.2.20.5 - Additions-Commercial and Multi-Family Additions. Additions to existing commercial buildings that increase the total square footage of existing floor area by twenty-five percent (25%) or greater shall meet the requirements for a newly constructed building. All additions to commercial buildings with an existing approved automatic sprinkler system shall be required to extend the sprinklers into the addition.

Section 903.2.20.6 is added to read as follows:

903.2.20.6 - Remodels, Alterations or Repairs-Commercial. For remodels, alterations and/or repairs to existing building(s) involving demolition, removal or repair of fifty percent (50%) or greater of the structure, the building shall meet the automatic fire sprinkler requirements for a newly constructed building.

Exceptions: Alterations or additions made solely for the purpose of complying with the American's with Disabilities Act.

1 **Section 903.2.20.7** is added to read:

2
3 **903.2.20.7 - Changes of Occupancy.** When any change of occupancy occurs where
4 the proposed new occupancy classification is more hazardous based on fire and life
5 safety risks as determined by the Fire Code Official including, but not limited to, the
6 conversion of residential buildings to condominiums, the building shall meet the fire
7 sprinkler requirements for a newly constructed building.
8

9 **Section 903.2.20.8** is added to read:

10
11 **903.2.20.8 - Residential Conversions.** Fire sprinkler systems shall be installed in all single-
12 family dwellings that are converted to duplexes and/or multi-family dwellings, bed and
13 breakfasts, inns, lodging houses or similar uses. Fire sprinkler systems shall be installed in all
14 conversions of a detached garage into living space or sleeping space.
15

16 **Section 903.2.20.9** is added to read as follows:

17
18 **903.2.20.9 - Elevation of Existing Buildings.** An automatic fire extinguishing system shall be
19 installed throughout all existing buildings when the building is elevated to three (3) or
20 more stories or more than thirty-five feet (35') in height, from grade to the exposed roof.
21

22 **Exceptions:** An automatic fire-extinguishing system need not be provided when the area
23 above thirty-five feet (35') is provided for aesthetic purposes only and is a non-habitable
24 space.
25

26 **Section 903.2.20.10** is added to read:

27
28 **903.2.20.10 - Installation of Automatic Fire Sprinklers in Pre-Existing Buildings (Historic
29 Downtown Business District).**
30

31 (a) Geographic Boundary-Historic Downtown Business District: For the purposes of this
32 section, the Historic Downtown Business District shall include all buildings located inside
33 the geographic area generally formed by Kentucky Street to the west, Washington Street
34 to the north, the Petaluma River to the east and B Street to the south. Also included in this
35 section is 201 Washington Street (Phoenix Theater) and 132 Keller Street (formerly Tuttle
36 Drug), as more particularly described in Figure 1003.2.12.

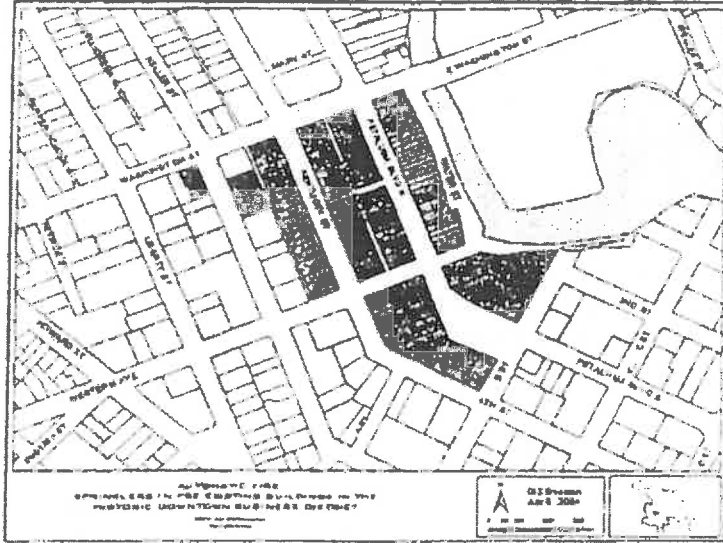


Figure 1003.2.12

(b) Installation Requirements: An automatic sprinkler system conforming to the Standard for the Installation of Sprinkler Systems (NFPA-13) shall be installed in all existing buildings in the Historic Downtown Business District in accordance with the following criteria:

(1) Kentucky Street and Western Avenue:

- a. In any building wherein a change of occupancy occurs.
- b. In any building or occupancy where the square footage of the building or occupancy is increased or alterations to the structure are made pursuant to Section 903.2.19.3, Section 903.2.19.4, Section 903.2.19.5, Section 903.2.19.6, Section 903.2.19.7 and Section 903.2.19.8 of this Ordinance.
- c. All buildings with basements or space below street grade used for storage, business or public use shall have automatic fire sprinklers installed within the basements or the below street grade areas no later than December 31, 2010.
- d. All buildings not meeting the criteria of (a) or (b) above shall have automatic fire sprinklers installed throughout the structure, including all public, private, storage and/or concealed spaces, as defined by the Standard for the Installation of Sprinkler Systems (NFPA-13) by no later than December 31, 2016.

(2) Petaluma Boulevard North: Automatic fire sprinkler requirements shall not become effective until the City of Petaluma installs an appropriate sized water main and laterals to the curb lines similar to the main previously installed on Kentucky Street and Western Avenue. Upon notice by the City of such installation, an automatic sprinkler system conforming to the Standard for the Installation of Sprinkler Systems (NFPA-13) shall be installed according to the following criteria:

- a. In any building wherein a change of occupancy occurs.

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- b. In any building or occupancy where the square footage of the building or occupancy is increased or alternations to the structure are made pursuant to Section 903.2.19.3, Section 903.2.19.4, Section 903.2.19.5, Section 903.2.19.6, Section 903.2.19.7 and Section 903.2.19.8 of this Ordinance.
 - c. All buildings with basements or space below street grade used for storage, business or public use shall have automatic fire sprinklers installed within the basements or the below street grade areas, no later than December 31 of the year that is six (6) years from the date of the water main installation.
 - d. All buildings not meeting the criteria of (a) or (b) above shall have automatic fire sprinklers installed throughout the structure, including all public, private, storage and/or concealed spaces, as defined by the Standard for the Installation of Sprinklers (NFPA-13), no later than December 31 of the year that is twelve (12) years from the date of the water main installation.

21 (3) Property Owner's Responsibility for System Installation:

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- a. The Property Owner shall be responsible for installation of the lateral service from the curb line into the building. This also includes isolation, check or other valves or devices, as applicable.
 - b. The Property Owner shall be responsible for the installation of the automatic fire sprinkler system according to the Standard for the Installation of Sprinkler Systems (NFPA-13).

30 (4) Plans and Specifications: Plans and Calculations (NFPA-13, Chapter 8) for the
31 service lateral and fire sprinkler system shall be submitted to and approved by
32 the Fire Prevention Bureau prior to installation of equipment and materials.

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- a. For the Kentucky Street installations that are required on or before December 31, 2010 or December 31, 2016, all Plans and Calculations for service lateral and sprinkler systems shall be submitted no later than June 30, 2010 or June 30, 2016 respectively, with installation and approval of work to occur prior to December 31, 2010 or December 31, 2016 respectively.
 - b. For Petaluma Boulevard North installations that occur in the last year of the six (6) or twelve (12) year deadline (when established) after the installation of the water main by the City of Petaluma, Plans and Calculations shall be submitted in that last year no later than June 30 of that year, with installation and approval of work to occur prior to December 31 of that last year.

48 **Section 903.3** is amended as follows:

49
50 **903.3 - Installation Requirements.** Sprinkler systems shall be designed and installed in
51 accordance with NFPA-13, NFPA-13R (if approved by the Fire Code Official) and NFPA-
52 13D. Pursuant to Section 102.7.1 and Section 105.1.4, the Fire Code Official may require

1 additional sprinkler coverage to mitigate certain conditions such as access or water
2 supply issues.
3

4 **Section 903.3.1** is amended to read:
5

6 **903.3.1 - Design Criteria.** Fire sprinkler systems installed in buildings of undetermined use
7 shall be designed and installed to have a design density of .33 gallons per minute per
8 square foot over a minimum design area of three thousand square feet (3,000' sq.).
9 Where a subsequent occupancy change requires a system with greater capacity, it shall
10 be the building owners' responsibility to upgrade the system to the required density and
11 meet any additional requirements of the Fire Code at the time of such change.
12

13 **Section 903.3.7** is amended to read as follows:
14

15 **903.3.7 - Fire Department Connections.** The location of fire department connections
16 (FDC's) shall be within fifty feet (50') of a fire hydrant or as approved by the Fire Code
17 Official. Approved locking caps shall be provided on all newly installed FDC's and on any
18 existing FDC's found to be vandalized.
19

20 **Section 903.4** is amended to read as follows:
21

22 **903.4 - Sprinkler System Monitoring and Alarms.** Except for Group R, Division 3
23 Occupancies, all valves controlling the water supply for automatic sprinkler systems,
24 pumps, tanks, water levels, temperatures, critical air pressure and water flow switches
25 shall be electronically supervised. Valves when used for standpipes are excluded from
26 this provision unless required by the Fire Code Official.
27

28 **Section 903.4.2** is amended to read as follows:
29

30 **903.4.2 - Alarms.** One (1) exterior approved audible and visual device shall be
31 connected to every automatic fire sprinkler system in an approved location. Such
32 sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow
33 of a single sprinkler of the smallest orifice size installed in the system. Where a building fire
34 alarm system is installed, actuation of the automatic fire sprinkler system shall actuate the
35 building fire alarm system.

36 Every new commercial fire alarm system installed as a sprinkler system monitoring alarm,
37 including those systems activated solely by fire sprinklers, shall also function for the
38 purpose of occupant notification, so that occupants of the building shall be notified
39 audibly and visually within each major suite or tenant space. A minimum of one (1)
40 notification device shall be located in each major suite in a normally occupied location
41 as determined by the Fire Code Official or building division.

42 **Section 905.3.1** is amended to read as follows:
43

44 **905.3.1 - Building Height.** Class I standpipes shall be installed in buildings three stories or
45 over in height and/or if, in the opinion of the Fire Chief, a hazard or condition exists in
46 which the installation of standpipes would improve firefighting operations. Standpipes
47 will be provided with approved outlets provided on each floor level, including the roof
48 when roof access is provided.
49

50 **Section 905.9** exception 2 is deleted.
51

52 **Section 907.8.5.1** is added to read as follows:

1 **907.8.5.1 – Fire Alarm Service Stickers/Tags.** Upon completion of each annual fire alarm
2 service, the fire alarm contractor providing the service shall affix a sticker or tag to the
3 main fire alarm panel which indicates the name of the fire alarm company and the date
4 of the service.
5

6 **Section 907.10** is added to read as follows:
7

8 **907.10 - False Fire Alarms.** Owners of properties with a fire alarm system shall maintain
9 the system in accordance with section 907.8. False alarm fees shall be assessed per the
10 current adopted fee schedule.
11

12 **CHAPTER 49 – REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS**

13
14 **Section 4902.1** The following definition is amended to read as follows:
15

16 **Wildland-Urban Interface Fire Area.** The geographical area located within any
17 Moderate, High or Very High Fire Hazard Severity Zone as recommended by the Cal Fire
18 Director pursuant to Public Resource Code Sections 4201—4204 and Government Code
19 Sections 51175—51189 or in a High Fire Hazard Severity Zone as identified by the
20 Petaluma Fire and Resource Assessment Program (FRAP.)
21

22 **Section 4906.2** is amended to read as follows:
23

24 **4906.2 - Applicability.** New buildings for which a building permit is submitted on or after
25 January 1, 2011, that are located within any Moderate, High or Very High Fire Hazard
26 Severity Zone as designated by the Director of Cal Fire or in any Moderate, High or Very
27 High Fire Hazard Severity Zone as identified by the Fire Hazard Security Zone (FHSZ) map
28 as defined in Section 17.20.020 of the Petaluma Municipal Fire Code shall comply with
29 the following sections:
30

31 (a) Section 4907.1 2013 California Fire Code Defensible Space (moderate, high, very
32 high);
33

34 (b) Section 705A, 2013 California Building Code – Roofing (moderate, high, very
35 high);
36

37 (c) Section 706A, 2013 California Building Code – Vents (moderate, high, very high);
38

39 (d) Section 707A 2013 California Building Code - Exterior Covering (moderate, high,
40 very high);
41

42 (e) Section 708A 2013 California Building Code – Exterior Windows and Doors (high,
43 very high);
44

45 (f) Section 709A 2013 California Building Code – Decking (high, very high); and
46

47 (g) Section 710A 2013 California Building Code – Accessory Structures (high, very
48 high).
49

50 **Section 4907.1** is amended to read as follows:
51

1 **4907.1 - Defensible Space.** The area within the perimeter of a parcel or development
2 where Fire Hazard Severity Zones (FHSZ) is implemented, providing a key point of defense
3 from any approaching fire. These areas are characterized (but not limited to)
4 establishment and maintenance of emergency vehicle access, emergency water
5 supplies, street names, building identification, and fuel modification measures.
6

7 Provisions for annual weed and brush abatement of the wildland-urban interface fire
8 area and the developed area shall be the responsibility of the developer or property
9 owner. A plan may be required that outlines the provisions for weed abatement and
10 shall be prepared by the property owner and/or developer. When required, the plan
11 shall include, but not be limited to, the following elements:
12

13 (a) A defensible space of thirty feet (30') to one hundred feet (100'), depending on
14 grade and other factors around all structures, either manmade or natural, in which
15 material capable of allowing fire to spread unchecked must be cleared, treated or
16 modified to slow the rate and intensity of an approaching wildfire.
17

18 (b) A ten-foot (10') firebreak on each side of hillside roads or driveways used for
19 emergency access; such firebreaks may be landscaped with fire resistive vegetation.
20

21 (c) Where required, fire breaks and/or disked trails up to thirty feet (30') wide shall be
22 identified on the plan and maintained throughout the fire season; the location of such
23 breaks/trails shall be approved by the Fire Code Official.
24

25 (d) Other fire protection measures based on best management practices for wildfire
26 exposure protection as required by the Fire Code Official.
27

28 **Section 4907.2** is added read as follows:

29 **4907.2 - Ancillary Buildings and Structures.** When required by the enforcing agency,
30 ancillary buildings and structures and detached accessory structures shall comply with
31 the provisions of this chapter.
32

33 **CHAPTER 50 – HAZARDOUS MATERIALS**

34 **Section 5001.5.3** is added to read as follows:

35 **5001.5.3 - Electronic Reporting.** All Hazardous Material Management Plans (HMMP) and
36 Hazardous Material Inventory Statements (HMIS) shall be submitted electronically in the
37 *California Electronic Reporting System (CERS)* as required by the Fire Code Official. All
38 updates to HMMP and HMIS must be made in CERS.
39
40
41

42 **CHAPTER 56 – EXPLOSIVES AND FIREWORKS**

43 **Section 5602** is hereby amended to add the following definitions:

44 **5602 – Definitions**

45 **Affiliated Organization.** For purposes of this Article, shall be presumed to be the following:
46
47

- 48 1. Organizations incorporated under the same charter or organization and
49 their auxiliaries if the auxiliary is incorporated under the same charter;
50
51
52

2. Organizations sharing the same officers and/or place of meetings and/or national parent organization;
3. Subdivisions and/or fractional divisions however named or delineated of organizations;
4. Sub-organizations, one of whose primary purpose is to provide financial and/or manpower support to a parent nonprofit organization.

However, different organizations affiliated with and officially recognized by any elementary, junior high and/or high school and/or school district that serves, in whole or in part, the residents of the City of Petaluma or any public or private community college, college and/or university located within the boundaries of the City of Petaluma shall not be presumed to be "affiliated organizations" unless it can be shown that they serve the same interest area or concern (i.e., boosters of high school football and boosters of high school basketball would be presumed to be two different, non-affiliated organizations).

Dangerous Fireworks. Dangerous fireworks shall mean dangerous fireworks as defined in Health and Safety Code sections 12505 and 12561 and the relevant sections of Title 19, California Code of Regulations, Subchapter 6, which are hereby incorporated by reference.

Fireworks Booth. Fireworks booth shall mean any building, counter or other structure of a temporary nature used in the sale, offering for sale or display for sale of "safe and sane fireworks."

Nonprofit Organization. For the purposes of this Chapter, nonprofit organization shall mean any nonprofit association, charity or corporation organized primarily for veterans, patriotic, welfare, civic betterment, educational, youth development or charitable purposes pursuant to Internal Revenue Code Sections 501 (c) 3, 4, 6, 7, 8, 10, 19, 23, or 26, Section 501 (d), Section 501 (e); or which has been issued a tax-exempt certificate as required under the Revenue and Taxation Code of the State of California; or a group which is an integral part of a recognized national organization having such tax-exempt status; or a nonprofit organization affiliated with and officially recognized by an elementary, junior high and/or high school and/or school district that serves, in whole or in part, the residents of the City of Petaluma or public and/or private community college, college and/or university which is located within the boundaries of the City of Petaluma.

Person. Person shall mean a natural person or a legal entity that is also an owner, tenant, lessee and/or other person with any right to possession or control of the property where a violation of this code occurred.

Piccolo Pete-Type Fireworks. Piccolo Pete-type fireworks are "safe and sane fireworks" as defined in Health and Safety Code Section 12529 and 12562 and the relevant sections of Title 19, California Code of Regulations, Subchapter 6, which are hereby incorporated by reference. "Piccolo Pete-type fireworks" are also known and sometimes referred to and/or labeled as, and/or have substantially the same appearance and discharge characteristics as, but are not limited to: "Piccolo Pete," "Whistle Pete," "Nite Siren," "Whistling Phantom," "Screaming Willy" and "Whistling Pete."

1 **Principal and Permanent Meeting Place.** Principal and permanent meeting place shall
2 mean a permanent structure, playing field, geographic area or service population which
3 resides in or is located within the City of Petaluma.
4

5 **Public Display of Fireworks.** Public display of fireworks shall mean an entertainment
6 feature where the public is admitted or permitted to view the display or discharge of
7 fireworks by a licensed pyro-technician.
8

9 **Qualified Applicant.** Qualified applicant shall mean any group or organization which has
10 met all of the following criteria for a continuous period of not less than one full year
11 preceding submittal of an application for a permit to sell required by this Chapter and
12 which continues to meet the criteria for the duration of any permit to sell issued by the
13 City of Petaluma pursuant to this Chapter. A nonprofit organization as defined in this
14 Chapter:
15

- 16 1. The organization must have its principal and permanent meeting place
17 within the City;
- 18 2. The organization must be one which provides direct and regular
19 community services and benefits to the residents of the City;
- 20 3. The organization must have a minimum bona fide membership of at least
21 twenty (20) members who either reside in the City, are employed in the City or
22 are owners or operators of a business or other establishment located in the City;
- 23 4. Neither the organization nor any of its officers and/or officials have been
24 found by any court or City administrative process to be in violation of any civil or
25 criminal local, state or federal law relating to fireworks within twenty-four calendar
26 months prior to the organization's submittal of an application for a permit to sell;
- 27 5. The organization has not had a permit to sell fireworks revoked within
28 twenty-four months prior to the organization's submittal of an application for a
29 permit to sell.
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31
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34 **Responsible Person.** Responsible person shall mean a person who causes a violation of
35 this Chapter to occur or allows a violation to exist or continue, by his or her action or
36 failure to act, or whose agent, employee or independent contractor causes a violation
37 to occur, or allows a violation to exist or continue. There is a rebuttable presumption that
38 the record owner of a residential parcel, as shown on the county's latest equalized
39 property taxes assessment rolls, and a lessee of a residential parcel has a notice of any
40 violation existing on said property. For purposes of this Chapter, there may be more than
41 one responsible person for a violation. Any person, irrespective of age, found in violation
42 of any provision of this Chapter may be issued a citation in accordance with the
43 provisions of this Chapter. Every parent, guardian or other person, having the legal care,
44 custody or control of any person under the age of eighteen (18) years, who knows or
45 reasonably should know that a minor is in violation of this Chapter, may be issued a
46 citation in accordance with the provisions of this Chapter, in addition to any citation that
47 may be issued to the offending minor.
48

49 **State-Approved Fireworks.** State-approved fireworks shall mean "safe and sane fireworks"
50 as defined in Health and Safety Code sections 12529 and 12562 and the relevant
51 sections of Title 19, California Code of Regulations, Subchapter 6, which are hereby

1 incorporated by reference. State-approved fireworks are also known, and sometimes
2 referred to, as "safe and sane fireworks."
3

4 **Section 5609** is added to read as follows:
5

6 **5609 - Fireworks.** Except as hereinafter provided, it shall be unlawful for any person to
7 possess, store, offer for sale, expose for sale, sell at retail or use or explode any dangerous
8 fireworks or explode any rocket, firecracker, Roman candle, squib, torpedo, torpedo
9 cane, wire core sparkler, wooden core sparkler, black cartridge or other combustible
10 device or explosive substance, or any kind of fireworks or dangerous fireworks by
11 whatsoever name known within the City of Petaluma provided that the Fire Chief shall
12 have power to adopt reasonable rules and regulations for the granting of permits for
13 supervised public displays of fireworks by a public agency, fair association, amusement
14 park or other organization or for the use of fireworks by artisans in pursuit of their trade.
15 Every such use or display shall be handled by a competent operator approved by the
16 Fire Chief and shall be of such character and so located, discharged or fired as in the
17 opinion of the Fire Chief, after proper investigation, not to be hazardous to property or
18 endanger any person.
19

20 **Exception:** State-Approved Fireworks: It shall not be unlawful to possess or sell, within the
21 City, state-approved fireworks and/or safe and sane fireworks as defined herein.
22

23 This section shall not apply to persons, businesses or entities licensed by the State Fire
24 Marshal as a wholesaler and/or import/export concern to legally possess or sell fireworks,
25 including those prohibited by this section, within the City for the primary purpose of sale
26 and distribution outside the City.
27

28 Notwithstanding any provision of this code, the City Council, upon advice of the Fire
29 Chief, may in any given fireworks sales year prohibit the sale and use of state-approved
30 fireworks and/or safe and sane fireworks when it is determined that conditions exist in the
31 City, including but not limited to fire weather events, fuel moisture, drought, limitations on
32 available firefighting forces and/or other condition, that create an extreme danger to
33 the public health and safety and/or life and property of the residents, businesses and
34 visitors of the City.
35

36 **5609.1 - Fireworks — Conditions of Sales**

37

38 (a) It is unlawful for any person, firm, corporation, association, or organization to sell
39 or offer for sale any fireworks within the City, except as expressly permitted by this
40 Ordinance.
41

42 (b) Time of Sale. Subject to the provisions of the State Fireworks Law (California
43 Health and Safety Code, Division 11, Part 2, Chapters 1-7, Health and Safety Code
44 Sections 12500-12801), and the provisions of this code, state-approved fireworks, as
45 defined in Section 12504 of the California Health and Safety Code, may be sold within
46 the City between the hours of 10:00 a.m. and 9:00 p.m. on June 30th, July 1st, July 2nd, July
47 3rd and July 4th. Pyrotechnic displays may deviate from these restrictions subject to
48 applicable provisions of the California Health and Safety Code, and provided they are
49 approved by the Fire Chief or his/her designated representative.
50

51 (c) Permit Required. No person, firm, corporation, association, or organization shall
52 sell fireworks within the City unless they are a qualified applicant and/or affiliated

1 organization of a qualified applicant as defined in this Chapter and have first obtained a
2 permit therefore. Issuance of the permit shall fulfill all municipal licensing requirements
3 and fire safety conditions outlined by the Fire Department. All permit applications shall be
4 received in the Fire Prevention Bureau by no later than the last day of May each year.
5 No person, firm, corporation, association or other organization, other than the qualified
6 applicant or its authorized representatives shall operate the booth for which the permit is
7 issued or share or otherwise participate in the profits of the operation of such booth.
8

9 In addition to any fees established by resolution of the City Council for permit
10 application, processing, inspection and/or business licenses for any wholesale or retail
11 sales of state-approved fireworks, any qualified applicant for a permit for wholesale sales
12 of state-approved fireworks shall pay a non-refundable "Public Education and
13 Compliance" fee, in an amount to be established by resolution of the City Council, to
14 cover the City's costs for enhanced public education and enforcement of the
15 regulations governing state-approved fireworks set forth in this section. The "Public
16 Education and Compliance" fee shall also include the costs associated with the cleanup
17 and removal of fireworks debris left on public rights-of-way, and all public properties such
18 as City parks, City Hall and other City facilities.
19

20 Nonprofit organizations licensed and permitted to sell state-approved fireworks in the
21 City are required to obtain a temporary sales tax permit from the local office of the State
22 Board of Equalization.
23

24 (d) Information Required on Permit. Each qualified applicant for such permit shall file
25 a written application with the Fire Prevention Bureau showing the following information:
26

- 27 1. Name and address of qualified applicant.
- 28 2. Location where the qualified applicant proposes to sell fireworks.
- 29 3. Places of storage for fireworks.
- 30 4. Evidence that the qualified applicant meets the criteria specified in this
31 code.
32

33 (e) Organization(s) Authorized to Sell. No permit to sell state-approved fireworks shall
34 be issued to any person except the following.
35

- 36 1. Organizations or local community service associations which constitute
37 qualified applicants and/or affiliated organizations of a qualified applicant, as
38 defined in this Chapter.
39

40 (f) Determination of Eligibility by Fire Chief — Right of Appeal. The Fire Chief shall
41 make a determination as to which organizations, including qualified organizations, meet
42 the criteria specified in Section 5. Any aggrieved applicant may appeal the decision of
43 the Fire Chief pursuant to Appendix Chapter 1, Section 108.1.
44

45 (g) Maximum Number of Permits to Sell. The maximum number of permits to sell
46 state-approved fireworks shall not exceed eighteen (18) booths. Any person or
47 organization which sold fireworks from an outdoor temporary fireworks booth in the City
48 of Petaluma pursuant to a permit issued in 2013 shall be entitled to apply for a permit,
49 and upon meeting all of the standards and conditions set forth in Section 5609.1 shall
50 receive such permit. Only one (1) permit per organization will be allowed.
51

1 (h) Abandon Permits. Any previous permit holder who does not apply and obtain a
2 permit for each consecutive year shall be deemed to have abandoned the right to such
3 a permit. When a permit has been abandoned, the permit will not be reissued or
4 transferred to a new vendor.

5
6 (i) Revocation of Permits. If a fireworks booth permit is revoked by the Fire Code
7 Official because the permit holder failed to meet the standards and conditions set forth
8 on the permit, the permit may be considered abandoned.

9
10 (j) Total Number of Booths Permitted for an Entity, Organization, or Group. Fireworks
11 sales permits shall be limited to one (1) booth per qualified applicant. The purpose of
12 limiting booths to one (1) per applicant is to allow a maximum number of entities,
13 organizations or groups to participate in fireworks sales without creating an unfair
14 advantage for one group over another.

15
16 (k) Assignment of Available Permits for the 2014 Fireworks Year. If the number of
17 applications received up to and including the last day of May, 2014 exceeds the number
18 of permits to be issued, the Fire Code Official shall forward a list of qualified applicants
19 who did not hold permits to sell in the prior year to the City Clerk who shall, not later than
20 the 5th day of June, supervise an impartial drawing to determine an order of priority for
21 each application. Upon such determination, the City Clerk shall forward to the Fire Code
22 Official a list of applications, numbered in order of priority drawn for investigation and
23 issuance. Permits may be issued in order of priority drawn to those on the list until the
24 maximum of eighteen (18) booths is reached.

25
26 (l) Insurance Requirements as Condition of Sale. Each applicant for a permit shall
27 file with the Bureau of Fire Prevention, prior to the issuance of any permit, a policy of
28 public liability insurance with applicable coverage of a minimum of one million dollars
29 (\$1,000,000.) No policy will be acceptable which contains a provision allowing for a
30 deductible amount. The City, its officers, employees, agents and volunteers shall be
31 named as additional insured on such insurance policy or certificate of insurance by a
32 separate specific endorsement in a form acceptable to the City's Risk Manager and City
33 Attorney.

34
35 (m) Hold Harmless and Indemnification. The fireworks distributor and the non-profit
36 organization must agree in writing to indemnify, defend with counsel acceptable to the
37 City of Petaluma (hereinafter "City"), and hold harmless City and its officers, officials,
38 employees, agents and volunteers from and against any and all liability, loss, damage,
39 claims, expenses and costs (including, without limitation, attorney's fees and costs and
40 fees of litigation) (collectively "Liability") of every nature arising out of or in connection
41 with the Permit including, but not limited to, any and all activities authorized, performed,
42 allowed and/or required under the Permit, except such Liability caused by the sole
43 negligence or willful misconduct of City.

44
45 (n) Authorization of Property Owner. The property owner(s) of record or their
46 designated representative with authority to agree to the Applicant's conduct of the
47 sales/storage of fireworks on the identified property must acknowledge in writing that
48 they have received and read the application for fireworks sales/storage from a State-
49 Approved Fireworks Booth to be located on the property identified in the permit.

50
51 (o) Fireworks Booth — Restrictions on Sales.
52

1. No booth shall be located within twenty-five feet (25') of combustible buildings and/or building openings (windows or doors) or within fifty feet (50') of any flammable storage or within one hundred feet (100') of any gasoline pump or distribution point. Location of booths is contingent upon approval from the Fire Chief or designated representative.

2. No booth shall have a floor area in excess of seven hundred fifty square feet (750' sq.). Each booth shall have at least two (2) exits. Each booth in excess of forty feet (40') in length shall have at least three (3) exits spaced approximately equidistant apart; provided, however, that in no case shall the distance between the exits exceed twenty-four feet (24'). Exit doors shall not be less than twenty-four inches (24") wide and six feet (6') in height and shall swing in the direction of exit travel.

3. All weeds and combustible materials shall be cleared in and around booth for a distance of at least twenty feet (20').

4. "No Smoking" signs shall be posted on the booths. No smoking shall be allowed within any fireworks booth.

5. No person under eighteen (18) years of age shall sell or participate in the sale of state-approved fireworks at such booth. No person under eighteen (18) years of age shall be permitted inside the booth during hours of operation. Each booth must have an adult in attendance and in charge of operations whenever the booth contains, or is engaged in the sale of, fireworks. The permit holder is solely responsible for ensuring the presence of said adult. For the purpose of this section, the term "adult" shall mean any person so defined under California law.

6. All unsold stock shall be removed from the booth and located in an approved area immediately after close of business on each and every day of operation.

7. All litter shall be removed on a daily basis.

8. The booth shall be removed from the temporary location and all litter shall be removed by 12:00 noon on July 8th.

9. All retail sales of state-approved fireworks shall be permitted only from within a temporary booth. Sales from any other building or structure are prohibited.

10. Approved banners or other barricades to prohibit parking within twenty feet (20') of the booth shall be provided.

11. No electrical devices or open flames are permitted within any booth.

Exception: A single electronic cash register is permitted in the booth. Power for device shall be provided by a heavy duty type electric extension cord with a minimum of fifteen (15) amp rating. There shall be no signs of mechanical damage, fraying or exposed wire insulation to the cord. Approval of extension cord subject to inspection by the fire inspector.

12. Signs must be posted on each booth stating "No fireworks permitted in the unincorporated areas of Sonoma or Marin Counties."

13. No person shall knowingly sell fireworks to any person under eighteen (18) years of age. Proof that the fireworks booth permit holder demanded, was shown, and acted in reliance upon, bona fide evidence of age and identity in any sale of fireworks prohibited by this section shall be a defense to any proceedings for suspension or revocation of the permit holder's state-approved fireworks permit or a criminal proceeding instituted by the City against the permit holder for violations of this section. For purposes of this section bona fide evidence of age and identity of purchaser shall mean a document issued by a federal, state, county or municipal government which contains a photograph and date of birth of the purchaser including, but not limited to, a valid California Driver's License or Identification Card issued to a member of the Armed Forces. Signs shall be posted in conspicuous places on and in the booth indicating "No Fireworks Sales to Persons Under the Age of 18 - Photo I.D. Required."

14. No person shall sleep or remain in any fireworks booth after close of business each day or at any time when the booth is closed for business.

15. A fireworks booth need not comply with the provisions of the Building Code of the City of Petaluma; provided, however, that every fireworks booth shall be erected under the supervision of the Fire Chief who shall require that the fireworks booth be constructed in a manner which will reasonably ensure the safety of attendants and patrons.

16. Each fireworks booth shall be provided with a minimum of one (1) model 2A10BC fire extinguisher and one (1) 5-gallon pressure water fire extinguisher, in good working order and easily accessible for use in case of fire.

17. No person shall smoke within twenty-five feet (25') of any safe and sane fireworks booth. No person shall light, cause to be lighted or permit to be lighted any fireworks or combustible material within fifty feet (50') of any state-approved fireworks booth.

(p) Limitations on Places and Hours of Discharge.

1. It shall be unlawful for any person to discharge any state-approved fireworks in the City except between the hours of 10:00 a.m. to 11:00 p.m. on July 4th.

2. It shall be unlawful for any person to ignite, discharge, project or otherwise fire or use, any state-approved fireworks or permit the ignition, discharge or projection thereof, upon or over or onto the property of another without the property owner's consent or to ignite, discharge, project or otherwise fire or make use of any state-approved fireworks within ten feet (10') of any residence, dwelling or other structure listed as a place of habitation by human beings.

3. The use of state-approved fireworks in the City shall be limited to private property except as otherwise provided herein. No person shall ignite or discharge any state-approved fireworks on private open areas such as parks, parking lots or vacant property, without the property owner's or his or her designated agent's

1 permission. No person shall ignite or discharge any state-approved fireworks on
2 public or semi-public open areas such as parks, parking lots or vacant property,
3 excluding public streets and sidewalks, except as authorized by the Director of
4 Parks and Recreation and the Fire Department, and, if applicable, the private
5 property owner or his or her designated agent.
6

7 4. Any person who discharges state-approved fireworks on public or private
8 property shall be responsible for the removal of all spent fireworks debris and litter
9 or rubbish associated with the discharge of fireworks, and for disposition thereof in
10 an appropriate trash receptacle. Spent fireworks debris shall be allowed to cool
11 for at least thirty (30) minutes or immersed in water before discarding to a trash
12 receptacle.
13

14 5. No state-approved fireworks shall be discharged in the Fire Hazard
15 Severity Zones (FHSZs) of the City, as established and approved by the Petaluma
16 Fire Department with the assistance of the California Department of Forestry and
17 Fire Protection and within the boundaries set forth on the FHSZ map as defined in
18 Section 17.20.040 of the Petaluma Municipal Code and kept on file in the Fire
19 Code Official's Office. All fireworks booths shall post a notice of such fireworks
20 ban and a map designating the FHSZ restrictions, in the form provided by the Fire
21 Code Official's office. Booth operators shall advise persons purchasing state-
22 approved fireworks to review the notice and map and advise them of the
23 fireworks restrictions in the FHSZ.
24

25 6. Supervision of minors. It shall be unlawful for any person having the care,
26 custody or control of a minor (under eighteen (18) years of age) to permit such
27 minor to discharge, explode, fire or set off any dangerous, illegal fireworks at any
28 time, or to permit such minor to discharge or set off any state-approved fireworks
29 unless such minor does so under the direct supervision of a person over eighteen
30 (18) years of age and during the hours and on the day permitted by this section.
31

32 (q) Qualified Applicant Reporting Requirement. On or before November 1st of any
33 sales year for which a qualified applicant received a sale permit, the qualified applicant
34 shall submit to the Fire Code Official a financial statement by the treasurer or financial
35 officer of the qualified applicant setting forth the total gross receipts from the fireworks
36 stand operated by the qualified applicant; all expenses incurred and paid in connection
37 with the purchase of fireworks and the sale thereof; and to whom and for what purpose
38 the net proceeds were or will be disbursed, along with the most recent report filed by the
39 qualified applicant with the State Board of Equalization. The filing of the statement
40 required by this section with the City shall be a condition precedent to the granting of
41 any subsequent permit, and a permit holder which fails to file such statement shall not be
42 considered a qualified applicant in any year subsequent to its failure to file. This shall be
43 considered an abandonment of the qualified applicants permit.
44

45 (r) Any permit issued under this section may be revoked by the Fire Chief in case of
46 any violation of this section or any terms or conditions of the permit. The City Council may
47 revoke said permit(s) and/or prohibit fireworks sales at any time it deems necessary to
48 protect the health, safety and welfare of the citizens of the City.
49

50 **Section 5609.1.1** is hereby added to read as follows:
51

52 **5609.1.1 - Reports to Council.**

1
2 (a) On an annual basis, before June 15th of each calendar year, the Fire
3 Department will prepare and provide to the City Council an education and
4 enforcement plan. The plan will include the following:

- 5
6 1. Education and enforcement program to be implemented in a given year;
7 and
8
9 2. Other relevant information deemed necessary by the Fire Code Official to
10 provide an overview of the City's experience in fireworks enforcement relevant to
11 that year's education and enforcement programs.
12

13 (b) By no later than the last day of September, annually, the Fire Code Official will
14 provide to the City Council a fireworks after-action report. The report will include the
15 following:

- 16
17 1. An evaluation of the success or failure of the education and enforcement
18 plan; and
19
20 2. Relevant incident statistics for the period of June 17 through July 16th.
21

22 (c) All information and records which are otherwise exempt from public disclosure
23 pursuant to the Public Records Act will remain exempt from disclosure, despite inclusion
24 of any such information and/or records in an education and enforcement plan and/or
25 after action report in order to avoid any unintended effect on public safety operations.
26

27 **Section 5609.2** is hereby added to read as follows:

28
29 **5609.2 - Prohibition of Sale and Use of Fireworks.** It is unlawful for any person, firm,
30 corporation, association, organization or entity to sell or offer for sale any fireworks within
31 the City except as expressly permitted by this Ordinance. It is unlawful for any person,
32 firm, corporation, association, organization or entity to use any fireworks within the City
33 except as expressly permitted by this Ordinance.
34

35 **Section 5609.3** is hereby added to read as follows:

36
37 **5609.3 - Storage of Fireworks.** The storage and use of fireworks inside buildings is
38 prohibited.
39

40 **Exceptions:** State-approved fireworks purchased by the public for individual or family
41 use.
42

43 **Section 5609.3.1** is hereby added to read as follows:

44
45 **5609.3.1 - Storage of State-Approved Fireworks-Retail.** The storage of state-approved
46 fireworks by those conducting retail sales shall be in a non-combustible container or
47 magazine as approved by the Fire Code Official. The location of said storage shall be
48 within the City limits of Petaluma and be approved by the Fire Code Official.
49

50 **Section 5609.3.2** is hereby added to read as follows:
51

1 **5609.3.2 - Prohibition Against Modification and Discharge of State-Approved Fireworks.**
2 No person shall modify, tamper with, disassemble, rearrange and/or combine the
3 contents or original packaging of any state-approved firework, nor in any way remove
4 the original packaging labels.
5

6 **Section 5609.3.2.1** is hereby added to read as follows:
7

8 **5609.3.2.1 - Prohibition Against Possession, Use, Display or Discharge of Modified State-**
9 **Approved Fireworks.** No person shall possess, use, display, discharge or explode any
10 state-approved firework that has been tampered with, disassembled and/or rearranged,
11 nor shall any person possess, use, display, discharge, explode or combine the contents of
12 multiple state-approved fireworks or combine, tape or change the originally intended
13 purpose of state-approved fireworks.
14

15 **Section 5609.3.2.2** is hereby added to read as follows:
16

17 **5609.3.2.2 - Prohibition Against Sale and Discharge of Piccolo Pete-Type Fireworks.**
18

19 (a) Notwithstanding the provisions of Section 3309.2, no person shall sell, use,
20 distribute, give away or discharge, at any time, on any day, any "Piccolo Pete-type
21 firework" or any firework having substantially the same appearance and discharge
22 characteristics as any of these. Additionally, any retail sale, gift, or donation of any
23 "Piccolo Pete-type firework" (or any firework having substantially the same appearance
24 and discharge characteristics as any of these) shall be a violation of this section.
25

26 (b) Except as otherwise provided herein, it shall be lawful for any person to possess
27 and/or transport any "Piccolo Pete-type firework" within the City of Petaluma.
28

29 (c) This section shall not apply to persons, businesses or entities licensed by the State
30 Fire Marshal as a wholesaler and/or import/export concern to legally possess or sell
31 fireworks, including those prohibited by this section, within the City for the primary
32 purpose of sale and distribution outside the City.
33

34 **APPENDIX B – FIRE-FLOW REQUIREMENTS FOR BUILDINGS**

35

36 **Section B105.1** is amended to read as follows:
37

38 **B105.1 - One- and Two-Family Dwellings.** The minimum fire-flow requirements for one-
39 and two-family dwellings having a fire-flow calculation area which does not exceed
40 3,600 square feet (344.5 m²) shall be 1500 gallons per minute (5678.11 L/min). Fire-flow
41 and flow duration for dwellings having a fire-flow calculation area in excess of 3,600
42 square feet (344.5 m²) shall not be less than that specified in Table B 105.1 of the 2013
43 California Fire Code.
44

45 **Section B105.2** is amended to read as follows:
46

47 **B105.2 - Buildings Other Than One- and Two-Family Dwellings.** The minimum fire-flow and
48 flow duration for buildings other than one- and two-family dwellings shall be as specified
49 in Table B105.1.
50

51 **Exceptions:** A reduction in required fire-flow of up to fifty percent (50%), as approved, is
52 allowed when the building is provided with an approved automatic sprinkler system

1 installed in accordance with other sections of this code. The resulting fire-flow shall not be
2 less than fifteen hundred gallons per minute (1,500 gpm) for the prescribed duration as
3 specified in Table B105.1.
4

5 **APPENDIX C – FIRE HYDRANT LOCATIONS AND DISTRIBUTION**

6
7 **Section C105.1** is amended to read as follows:
8

9 **C105.1 - Hydrant Spacing.** The average spacing between fire hydrants shall not exceed
10 that listed in Table C105.1.
11

12 **Exceptions:** The Fire Chief is authorized to allow deviations from this section where existing
13 fire hydrants provide all or a portion of the required fire hydrant service.
14

15 **Table C105.1 of Appendix C:** Footnotes (f) and (g) are added to read as follows:
16

17 (f) For commercial, industrial and multifamily residential dwellings, average spacing
18 shall be no greater than three hundred feet (300').
19

20 (g) A fire hydrant shall be located within fifty feet (50') of the FDC, or as approved by
21 the Fire Code Official.
22

23 **APPENDIX D – FIRE APPARATUS ACCESS ROADS**

24
25 **Section D103.2** is amended to read as follows:
26

27 **D103.2 - Grade.** The grade of fire apparatus access roads shall be in accordance with
28 the City of Petaluma standards for public streets or as approved by the Fire Chief.
29

30 **Section D103.3** is hereby amended to read as follows:
31

32 **D103.3 - Turning Radius.** The minimum turning radius shall be determined by the Fire
33 Code Official or as approved by local standards.
34

35 **Section D103.4** is amended to read as follows:
36

37 **D103.4 - Dead Ends.** Dead-end fire apparatus access roads in excess of one hundred
38 fifty feet (150') (45.720 m) shall be provided with width and turnaround provisions in
39 accordance with the local agency requirements for public streets or as approved by
40 local standards.
41

42 **Table D103.4** is deleted in its entirety.
43

44 **Section D103.6** is amended to read as follows:
45

46 **D103.6 - Signs.** Where required by the Fire Code Official, fire apparatus access roads shall
47 be marked with permanent NO PARKING-FIRE LANE signs complying with the California
48 Vehicle Code and fire department standards.
49

50 **Section D104.2** is amended to delete the exception and read as follows:
51
52

D104.2 - Buildings Exceeding 62,000 Square Feet in Area. Buildings or facilities having a gross building area of more than 62,000 square feet (5,760 m2) shall be provided with two (2) separate and approved fire apparatus access roads.

Section D106.1 is amended to delete the exception and read as follows:

D106.1 - Projects Having More Than Fifty (50) Dwelling Units. Multiple-family residential projects having more than fifty (50) dwelling units shall be provided with two (2) separate and approved fire apparatus access roads.

Section D106.2 is hereby deleted.

Section D107.1 is amended to delete exceptions 1 and 2 and read as follows:

D107.1 - One- or Two-Family Dwelling Residential Developments. Developments of one- and two-family dwellings where the number of dwelling units exceeds fifty (50) shall be provided with two (2) separate and approved fire apparatus access roads and shall meet the requirements of section D104.3.

SECTION 6: Section 17.20.060 of the Petaluma Municipal Code is hereby added to read as follows:

17.20.060 - New Materials, Processes or Occupancies Which May Require Permits. The City Manager, the Fire Chief and the Fire Code Official shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in this code. The Fire Code Official shall post such list in a conspicuous place at the Fire Prevention Bureau and distribute copies thereof to interested persons.

SECTION 7: If any part of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision will not affect the validity of the remaining parts of this Ordinance. The City Council of the City of Petaluma hereby declares that it would have passed and adopted this Ordinance and each of its provisions irrespective of any part being held invalid.

SECTION 8: The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines because the activity has no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to Section 15060(c)(3) of the CEQA Guidelines because the activity is not a project as defined in Section 15378) of the CEQA Guidelines.

SECTION 9: This Ordinance will become effective thirty days after the date of its adoption by the Petaluma City Council; however, the provisions of this Ordinance will not become operative until January 1, 2014, at the same time that the 2013 Edition of the California Building Standards Code takes effect.

SECTION 10: In accordance with California Health and Safety Code Section 17958.7, the City Clerk is hereby directed to file this Ordinance and the attached findings of fact with the

1 California Building Standards Commission prior to the effective date of this Ordinance specified
2 above.

3
4 **SECTION 12:** The City Clerk is hereby directed to post and/or publish this Ordinance or a
5 synopsis for the period and in the manner required by the City Charter.

6
7
8 INTRODUCED and ordered posted/published this 21st day of October, 2013.

9
10 ADOPTED this 18th day of November, 2013 by the following vote:

11
12 Ayes: Vice Mayor Albertson, Healy, Kearney

13 Noes: Barrett, Mayor Glass

14 Abstain: Miller

15 Absent: Harris

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David Glass, Mayor

ATTEST:

APPROVED AS TO FORM:



Claire Cooper, City Clerk



Eric Danly, City Attorney

1 **EXHIBIT "A"**

2
3 **FINDINGS OF FACT AND NEED FOR CHANGES OR MODIFICATIONS**
4 **TO THE CALIFORNIA FIRE CODE, 2013 EDITION WITH CALIFORNIA**
5 **AMENDMENTS, DUE TO LOCAL CONDITIONS**
6

7
8 **CHANGES OR MODIFICATIONS:** Pursuant to Section 17958 of the State of California Health and
9 Safety Code, the governing body of the City of Petaluma in its Ordinance adopting and
10 amending the 2013 Edition of the California Fire Code, changes or modifies certain provisions of
11 the California Building Standards Code as it pertains to the regulation of buildings used for
12 human habitation. A copy of the text of such changes or modifications is attached.
13

14 **FINDINGS:** Pursuant to Sections 17958.5 and 17958.7(a) of the State of California Health and
15 Safety Code, the governing body of the City of Petaluma has determined and finds that all the
16 attached changes or modifications are needed and are reasonably necessary because of local
17 climatic, geological and topographic conditions as discussed below.
18

19 **LOCAL CONDITIONS:** Local conditions have an adverse effect on the prevention of (1) major
20 loss fires, (2) major earthquake damage and (3) the potential for life and property loss, making
21 the changes or modifications in the California Fire Code and the State Building Standards Code
22 necessary in order to provide a reasonable degree of property security and fire and life safety in
23 the City of Petaluma.
24

25 Below are adverse local climatic, geological and topographic conditions that necessitate the
26 modifications to the California Fire Code and California Building Standards Code.
27

28 **CLIMATIC (a)**
29

30 **Precipitation:** Precipitation ranges from twenty inches (20") to approximately twenty-five inches
31 (25") per year. Approximately ninety percent (90%) falls during the months of November through
32 April and ten percent (10%) from May through October. Severe flooding occurred during the
33 months of January and March, 1995 and in 1998 and 2006.
34

35 **Relative Humidity:** Humidity generally ranges from fifty percent (50%) during daytime and eighty-
36 six percent (86%) at night. It drops to twenty percent (20%) during the summer months and
37 occasionally drops lower during the months of September through November.
38

39 **Temperatures:** Temperatures have been recorded as high as 104 degrees Fahrenheit. Average
40 summer highs are in the 78-85 degree range.
41

42 **Winds:** Prevailing winds are from the northwest. However, winds are experienced from virtually
43 every direction at one time or another. Velocities are generally in the 5-15 mph range, gusting to
44 7.4-30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been
45 known to occur.
46

47 **Summary:** These local climatic conditions affect the acceleration, intensity, and size of fires in
48 the community. Times of little or no rainfall, of low humidity and high temperatures create
49 extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires
50 and conflagrations. The winds experienced in this area also adversely impact structure fires in
51 buildings in close proximity to one another. Winds can carry sparks and burning branches to
52 other structures, thus spreading the fire and causing conflagrations. In building fires, winds can

1 literally force fires back into the building and create a blowtorch effect, in addition to
2 preventing natural ventilation and cross-ventilation efforts. Petaluma's downtown and
3 surrounding areas contain numerous historic and older buildings that are located very close
4 together, which exacerbates the fire danger from dry conditions, wind, and shake/shingle roofs.
5

6 **TOPOGRAPHIC (b)**

7
8 The topographic fire environment of a community is primarily the combination of two factors:
9 the area's physical geographic characteristics and the historic pattern of urban-suburban
10 development. These two factors, alone and combined, create a mixture of environments which
11 ultimately determine the areas' fire protection needs.
12

13 The basic geographical boundaries of the City include hills to the south and west, and valley
14 floor in the central area and to the north and east. The Petaluma River bisects the City through
15 the central area. The City of Petaluma covers thirteen (13) square miles and contains an urban
16 population estimated at 58,000. The City's service area is a conglomeration of bay, plains, hills,
17 valleys, and ridges. Currently, within the City, are three (3) fire stations and fifty-three (53) fire
18 personnel (58 when fully staffed). Because of the size of the City of Petaluma, the characteristics
19 of the fire environment changes from one location to the next. For example, the central
20 downtown area contains older buildings situated close together, which increases the ability of
21 fire to spread from one building to the next. In contrast, some of the properties on the outlying
22 hills are far apart, but contain large grassy acreages that promote quickly-spreading wildfires
23 during the long dry season.
24

25 The City's development pattern also contributes to its unique fire protection needs.
26 Development has traditionally occurred on the flat lands (0 – 5% slope) in the central and
27 eastern portions of the City. However, over the last ten (10) years, development has spread into
28 the hills and the smaller valleys and canyons. This development has significantly increased the
29 service area for the City's fire department and has added complicated logistical challenges for
30 getting fire equipment to remote fires or fires on steep hillsides. The majority of the hillsides in
31 these areas have slopes ranging from 15 - 30%. As a basic rule of thumb, the rate of spread will
32 double as the slope percentage doubles, all other factors remaining the same.
33

34 The local vegetation further contributes to fire dangers in the City. Petaluma's semi-arid
35 Mediterranean-type climate produces vegetation similar to that of most of Sonoma County. In
36 the long periods of the year with little or no rain (April through October), this vegetation provides
37 ready fuel for fast-spreading wildfires.
38

39 Moreover, some of the structures in the City have combustible wood-shingle or shake roofs. This
40 very flammable material is susceptible to ignition by embers from a wild land fire, furthering the
41 spread of fire to adjacent buildings.
42

43 **GEOLOGICAL (c)**

44
45 The above local topographic conditions enhance the magnitude, exposure, accessibility
46 problems, and fire hazards presented to the City of Petaluma. Fire following an earthquake has
47 the potential of causing greater loss of life and damage than the earthquake itself.
48

49 The relatively young geological processes that have created the San Francisco Bay Area are still
50 active today. Two (2) active earthquake faults (San Andreas and Hayward-Rodgers Creek)
51 affect the Petaluma area. Approximately fifty percent (50%) of the City's land surface is in the
52 high-to-moderate seismic hazard zones.

The majority of the City's industrial complexes are located in the highest seismic risk zones. The highest seismic risk zone also contains the largest concentration of hazardous materials. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number people, should a significant seismic event occur. The City's resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for fires in smaller single-dwellings and structures.

Other variables that may intensify the fire danger after a major seismic event include:

- The extent of damage to the water system;
- The extent of isolation due to bridge and/or freeway overpass collapse;
- The extent of roadway damage and/or amount of debris blocking the roadways;
- Climatic conditions (hot, dry weather with high winds);
- Time of day, which will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
- The availability of timely mutual aid or assistance from neighboring departments, which will likely have similar emergencies at the same time; and
- The large portion of dwellings with wood shingle roof coverings, which will increase the likelihood of conflagrations.

CONCLUSION

Local climatic, geological and topographic conditions impact fire protection efforts, and the frequency, spread, acceleration, intensity and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore, it is reasonably necessary that the California Fire Code be changed or modified to mitigate the effects of the above conditions.

Furthermore, California Health & Safety Code (CH&SC) Section 17958.7 requires that the modification or change to which findings refer be expressly marked and identified. Therefore, the following table provides code sections that will be modified by this Ordinance which are building standards as defined in CH&SC Section 18909, and the associated referenced conditions for modification due to local climatic, geologic and topographical conditions.

<u>Section Number</u>	<u>Local Climatic, Geologic and Topographical Conditions</u>
302.1.1	a, b, c
304.1.2.1	a, b
307.2.1.1	a, b, c
307.4.2.1	a, b, c
307.5	a, b, c
903.2.20.2	a, b, c
903.2.20.3	a, b, c
903.2.20.4	a, b, c
903.4.2	c
907.8.5.1	a, b, c
5001.5.3	Required by California state law
5609.1	a, b, c

**EFFECTIVE DATE
OF ORDINANCE**

December 19, 2013

ORDINANCE NO. 2475 N.C.S.

DEC 02 2013

ATTEST

CLAIRE COOPER
CITY CLERK CITY OF PETALUMA

ATTEST

NAME

TITLE

Introduced by

Seconded by

Mike Healy

Gabe Kearney

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PETALUMA ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCLUDING: PART 1, 2013 CALIFORNIA ADMINISTRATIVE CODE; PART 2, 2013 CALIFORNIA BUILDING CODE; PART 2.5 CALIFORNIA RESIDENTIAL CODE; PART 3, 2013 CALIFORNIA ELECTRICAL CODE; PART 4 2013 CALIFORNIA MECHANICAL CODE; PART 5 2013 CALIFORNIA PLUMBING CODE; PART 6, CALIFORNIA ENERGY CODE; PART 8, 2013 CALIFORNIA HISTORICAL BUILDING CODE; PART 10, 2013 CALIFORNIA EXISTING BUILDING CODE; PART 11 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE; AND PART 12, 2013 CALIFORNIA REFERENCED STANDARDS CODE, AND LOCAL AMENDMENTS TO SPECIFIED PROVISIONS OF THE CALIFORNIA BUILDING STANDARDS CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

SECTION 1: REPEALED. Section 17.04.010 entitled "Adoption of Uniform Codes" and Section 17.04.020 entitled "Amendments Made in California Building Code" of the Petaluma Municipal Code are hereby repealed in their entireties.

SECTION 2: FINDINGS. The City Council of the City of Petaluma finds that in order to best protect the health, safety and welfare of the citizens of the City of Petaluma, the standards of building within the City must conform with state law except where local climatic, geological, and topographic conditions warrant more restrictive regulations. These considerations support adoption of the state building codes contained in California Building Standards Code, Title 24, and other uniform codes governing the construction and regulation of buildings and structures with the modifications and amendments contained herein.

Pursuant to California Health and Safety Code Section 17958.7, the City Council makes the factual findings set forth in "Exhibit A" attached hereto and incorporated herein by reference, and finds that the amendments made in this ordinance to the California Building Standards Code Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11, and 12, are reasonably necessary because of the local climatic, geological or topographical conditions described in Exhibit A.

SECTION 3: CURRENT BUILDING CODES ADOPTED.

Section 17.04.010 entitled "Adoption of Uniform Codes" and **Section 17.04.020** entitled "Amendments made in California Building Code" are hereby added to the Petaluma

Municipal Code to read as follows:

17.04.010 - Adoption of Uniform Codes. Pursuant to Section 50022.2 of the California Government Code, the following codes are adopted by reference, including the amendments listed in this chapter, which are made pursuant to the findings of fact set forth in Exhibit A of the adopting ordinance.

- A. Part 1—2013 California Administrative Code;
- B. Part 2—2013 California Building Code based on the 2012 International Building Code, including Chapters 31B (Public Swimming Pools) and 33 (Safeguards During Construction) in their entirety, except as amended in Section 17.04.020;
- C. Part 2.5—California Residential Code based on the 2012 International Residential Code including Appendix Chapters G (Swimming Pools and Hot Tubs) and K (Sound Transmission) in their entirety, except as amended in Section 17.04.020;
- D. Part 3—2013 California Electrical Code based on the 2011 National Electrical Code;
- E. Part 4—2013 California Mechanical Code based on the 2012 Uniform Mechanical Code including Sections 101.0 through 118.1 of Chapter 1 inclusively (Administration);
- F. Part 5—2013 California Plumbing Code based on the 2012 Uniform Plumbing Code including Sections 101.1 through 103.1 of Chapter 1 inclusively (Administration);
- G. Part 6—2013 California Energy Code;
- H. Part 8—2013 California Historical Building Code;
- I. Part 10—2013 California Existing Building Code based on the 2009 International Existing Building Code;
- J. Part 11—2013 California Green Building Standards Code at the Mandatory Level for all Additions and Alterations, and at the Tier one level for all Wholly New Construction, with the exception of Appendix A4, Division A4.2 Energy Efficiency and Appendix A5, Division A5.2 Energy Efficiency, neither of which are adopted;
- K. Part 12—2013 California Referenced Standards Code.

However, all fee amounts in the codes adopted by reference are hereby deleted. Fees applicable in the city for inspections, permit issuance and any and all other services related to the codes adopted by reference will be fixed by fee schedules set by the city council by duly adopted resolution.

17.04.020 - Amendments Made in California Building Code. Part 2 of the 2013 California Building Standards Code, California Building Code, as adopted in section 17.04.010, is hereby amended to include the following additions, amendments and deletions:

1 **Section 105.2 (1)** is hereby amended to read as follows:
2

3 **105.2 (1) - One-Story Detached Accessory Structures Used as Tool and Storage Sheds,**
4 **Playhouses and Similar Uses.** Provided the floor area is not greater than one hundred
5 twenty square feet (120' sq.) (11 m2), there are no wall finishes such as, but not limited to,
6 gypsum wallboard, plaster, stucco, or paneling placed on any interior surface of any wall
7 and/or partition, and no electrical, mechanical or plumbing systems are contained
8 within the structure.
9

10 **Section 115** is hereby amended to read as follows:
11

12 **115 - Stop Work Orders**
13

14 **115.1 - Authority.** Whenever the building official finds any work regulated by this code
15 being performed in a manner that is contrary to the provisions of this code, without a
16 permit, beyond the scope of the issued permit, in violation of the Petaluma Municipal
17 Code or Zoning Ordinance, or dangerous or unsafe, the building official is authorized to
18 issue a stop work order.
19

20 **115.2 - Issuance.** The stop work order shall be in writing and shall be posted in a visible
21 location near the location where the work is being conducted. If the owner or owner's
22 agent is not on site at the time of posting, a notice advising the reasons for the stop work
23 order issuance shall be hand delivered or mailed first-class to the owner of the property
24 involved, or to the owner's agent, or to the person doing the work. Upon issuance of a
25 stop work order, the cited work shall immediately cease. The stop work order shall state
26 the reason for the order, the conditions under which the cited work will be permitted to
27 resume, and the name and contact information of the official or agency issuing the
28 order.
29

30 **115.3 - Unlawful Continuance.** Any person who continues to engage in any work after
31 having been served with a stop work order, except such work as that person is directed
32 to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor.
33

34 **115.4 - Removal of Posted Stop Work Order.** Any person who removes a posted stop work
35 order without written consent of the Building Official shall be guilty of a misdemeanor.
36

37 **115.5 - Response Required.** Violators receiving a stop work order are required to respond
38 to the Building Division within two (2) business days of the issued notice to receive
39 instructions on how to rescind the order.
40

41 **115.6 - Permit Application Required.** A building permit application with construction or
42 demolition plans and supporting (structural calculations, energy calculations, accessible
43 access) documents must be submitted for approval within fifteen (15) working days
44 following response to the Building Division. Plans will be reviewed and correction letters
45 issued or permit application approved within fifteen (15) working days of receipt by the
46 Building Division. A response to any correction letter must be submitted within fifteen (15)
47 working days of the date of the correction letter. Five working days will be required to
48 review this second submission and a permit approved for issuance. Permits ready for
49 issuance must be issued within 5 working days thereafter. All construction must be
50 inspected as work progresses and signed off by all (affected) departments within 60 days
51 of building permit issuance.
52

1 **115.7 - Stop Work Order Penalty.** The Building Official may impose Stop Work Order
2 Penalties in accordance with Section 1.14.050 of this code and/or other applicable law.
3

4 **CHAPTER 7 – FIRE RESISTANCE-RATED CONSTRUCTION**

5
6 **Section 722** is added to read as follows:
7

8 **722 - Repair of Breaches of Non-Rated Walls/Ceilings in Fire Zone 1.** Breaches, openings,
9 holes or other broken wall and ceiling areas in buildings in Fire Zone 1 (generally defined
10 as the Downtown Business District) as defined in Section 17.22 of the Petaluma Municipal
11 Code shall be repaired, restored or replaced when damaged, altered, breached,
12 penetrated, removed or improperly installed. Openings/breaches can be repaired with
13 like material such as lath and plaster, sheetrock, plywood or other reasonable barrier. The
14 intent of this Section is to close openings/breaches to limit the spread of fire and
15 products of combustion in the downtown business district buildings.
16

17 **CHAPTER 9 – FIRE PROTECTION SYSTEMS**

18
19 **Section 901.2.1** is added to read as follows:
20

21 **901.2.1 - Problematic and Unreliable Fire Alarms.** The Fire Chief may determine a fire
22 alarm to be unreliable upon receipt of more than three (3) false alarms within a twelve-
23 month period. Upon making such a finding, the Fire Chief may order the following:
24

25 (a) For any nuisance alarm where the system is not restored, the Fire Chief may
26 require the system owner to provide standby personnel or take such other measures as
27 the Fire Chief deems appropriate. Such measures shall remain in place until a fire
28 department approved fire alarm maintenance firm certifies in writing to the Fire Chief
29 that the alarm system has been restored to a reliable condition. The Fire Chief may
30 require such tests as he/she deems necessary to demonstrate the adequacy of the
31 system.
32

33 (b) Require the owner to pay mitigation fees pursuant to the City of Petaluma fee
34 schedule.
35

36 **Section 903.2** is amended to read as follows:
37

38 **903.2 - Where Required.** Approved automatic sprinkler systems in new buildings and
39 structures shall be provided in locations described in this section. Additional local
40 requirements are described in Sections 903.2.1 through 903.2.19.1.2 and may supersede
41 the following requirements. The most restrictive requirement shall apply.
42

43 **Section 903.2.20** is added to read as follows:
44

45 **903.2.20 - Local Fire Sprinkler System Requirements.**
46

47 **Section 903.2.20.1** is added to read as follows:
48

49 **903.2.20.1 - System Requirements.** An approved automatic fire sprinkler system shall be
50 installed and maintained in all newly constructed buildings.
51

52 **Exceptions:**

1. Detached Group U occupancies one thousand square feet (1,000' sq.) or less agricultural buildings and private riding arenas as approved by the Fire or Building Code Official.
2. Detached pool houses up to one thousand square feet (1,000' sq.) in floor area within fifty feet (50') of the pool and limited to a single bathroom.
3. Detached non-combustible motor vehicle fuel dispensing canopies classified as Group M occupancy.
4. A room above a detached garage used for storage only that does not contain a bathroom, cooking or refrigeration facilities.
5. Detached carports of noncombustible construction with non-habitable spaces above.
6. Detached Group B or M occupancies five hundred square feet (500' sq.) or less.

Section 903.2.20.2 is added to read as follows:

903.2.20.2 – Additions-Residential. Additions to existing residential buildings that increase the total square footage of existing floor area by fifty percent (50%) or greater shall meet the requirements for a newly constructed building. This requirement applies to the cumulative effect on square footage of 50% or greater as a result of additions taking place over a five year period involving one or more building permits. All additions to residential buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.

Section 903.2.20.3 is added to read as follows:

903.2.20.3 - Remodels, Repairs and/or Alterations. Residential remodels, repairs and/or alterations, individually or any combination thereof, involving fifty percent (50%) or greater of square footage of the existing floor area shall meet the requirements for a newly constructed building. This requirement applies to the cumulative effect on square footage of fifty percent (50%) or greater as a result of remodels, repairs and/or alterations taking place over a five year period involving one or more building permits.

Section 903.2.20.5 is added to read:

903.2.20.5 - Additions-Commercial and Multi-Family Additions. Additions to existing commercial buildings that increase the total square footage of existing floor area by twenty-five percent (25%) or greater shall meet the requirements for a newly constructed building. All additions to commercial buildings with an existing approved automatic sprinkler system shall be required to extend the sprinklers into the addition.

Section 903.2.20.6 is added to read as follows:

903.2.20.6 - Remodels, Alterations or Repairs-Commercial. For remodels, alterations and/or repairs to existing building(s) involving demolition, removal or repair of fifty

1 percent (50%) or greater of the structure, the building shall meet the automatic fire
2 sprinkler requirements for a newly constructed building.

3 **Exceptions:** Alterations or additions made solely for the purpose of complying with the
4 American's with Disabilities Act.

5
6 **Section 903.2.20.7** is added to read:

7
8 **903.2.20.7 - Changes of Occupancy.** When any change of occupancy occurs where the
9 proposed new occupancy classification is more hazardous based on fire and life safety
10 risks as determined by the Fire Code Official including, but not limited to, the conversion
11 of residential buildings to condominiums, the building shall meet the fire sprinkler
12 requirements for a newly constructed building.

13
14 **Section 903.2.20.8** is added to read:

15
16 **903.2.20.8 - Residential Conversions.** Fire sprinkler systems shall be installed in all single-
17 family dwellings that are converted to duplexes and/or multi-family dwellings, bed and
18 breakfasts, inns, lodging houses or similar uses. Fire sprinkler systems shall be installed in all
19 conversions of a detached garage into living space or sleeping space.

20 **Section 903.2.20.9** is added to read as follows:

21
22 **903.2.20.9 - Elevation of Existing Buildings.** An automatic fire extinguishing system shall be
23 installed throughout all existing buildings when the building is elevated to three (3) or
24 more stories or more than thirty-five feet (35') in height, from grade to the exposed roof.

25
26 **Exceptions:** An automatic fire-extinguishing system need not be provided when the area
27 above thirty-five feet (35') is provided for aesthetic purposes only and is a non-habitable
28 space.

29
30 **Section 903.2.20.10** is added to read:

31
32 **903.2.20.10 - Installation of Automatic Fire Sprinklers in Pre-Existing Buildings (Historic
33 Downtown Business District).**

34
35 (a) Geographic Boundary-Historic Downtown Business District: For the
36 purposes of this section, the Historic Downtown Business District shall include all
37 buildings located inside the geographic area generally formed by Kentucky
38 Street to the west, Washington Street to the north, the Petaluma River to the
39 east and B Street to the south. Also included in this section is 201 Washington
40 Street (Phoenix Theater) and 132 Keller Street (formerly Tuttle Drug), as more
41 particularly described in Figure 1003.2.12.

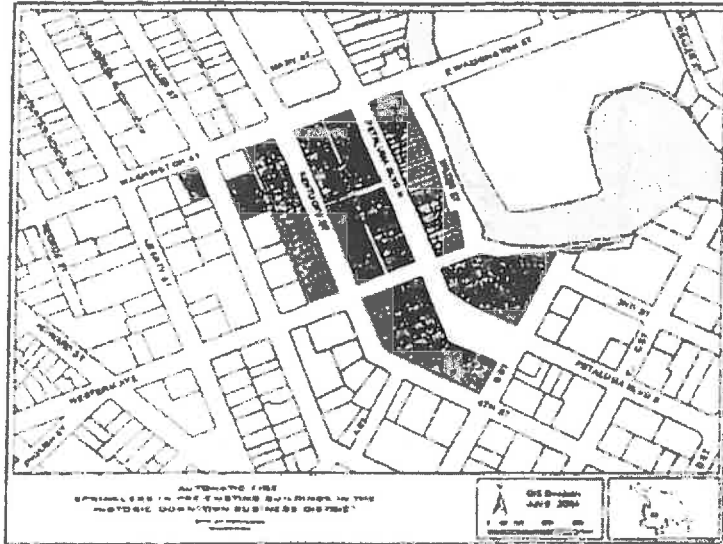


Figure 1003.2.12

(b) Installation Requirements: An automatic sprinkler system conforming to the Standard for the Installation of Sprinkler Systems (NFPA-13) shall be installed in all existing buildings in the Historic Downtown Business District in accordance with the following criteria:

(1) Kentucky Street and Western Avenue:

- a. In any building wherein a change of occupancy occurs.
- b. In any building or occupancy where the square footage of the building or occupancy is increased or alterations to the structure are made pursuant to Section 903.2.19.3, Section 903.2.19.4, Section 903.2.19.5, Section 903.2.19.6, Section 903.2.19.7 and Section 903.2.19.8 of this Ordinance.
- c. All buildings with basements or space below street grade used for storage, business or public use shall have automatic fire sprinklers installed within the basements or the below street grade areas no later than December 31, 2010.
- d. All buildings not meeting the criteria of (a) or (b) above shall have automatic fire sprinklers installed throughout the structure, including all public, private, storage and/or concealed spaces, as defined by the Standard for the Installation of Sprinkler Systems (NFPA-13) by no later than December 31, 2016.

(2) Petaluma Boulevard North: Automatic fire sprinkler requirements shall not become effective until the City of Petaluma installs an appropriate sized water main and laterals to the curb lines similar to the main previously installed on Kentucky Street and Western Avenue. Upon notice by the City of such installation, an automatic sprinkler system

1 conforming to the Standard for the Installation of Sprinkler Systems
2 (NFPA-13) shall be installed according to the following criteria:
3

- 4 a. In any building wherein a change of occupancy occurs.
5
6 b. In any building or occupancy where the square footage of
7 the building or occupancy is increased or alternations to the
8 structure are made pursuant to Section 903.2.19.3, Section
9 903.2.19.4, Section 903.2.19.5, Section 903.2.19.6, Section
10 903.2.19.7 and Section 903.2.19.8 of this Ordinance.
11
12 c. All buildings with basements or space below street grade
13 used for storage, business or public use shall have automatic
14 fire sprinklers installed within the basements or the below
15 street grade areas, no later than December 31 of the year
16 that is six (6) years from the date of the water main
17 installation.
18
19 d. All buildings not meeting the criteria of (a) or (b) above shall
20 have automatic fire sprinklers installed throughout the
21 structure, including all public, private, storage and/or
22 concealed spaces, as defined by the Standard for the
23 Installation of Sprinklers (NFPA-13), no later than December
24 31 of the year that is twelve (12) years from the date of the
25 water main installation.
26

27 (3) Property Owner's Responsibility for System Installation:
28

- 29 a. The Property Owner shall be responsible for installation of the
30 lateral service from the curb line into the building. This also
31 includes isolation, check or other valves or devices, as
32 applicable.
33
34 b. The Property Owner shall be responsible for the installation of
35 the automatic fire sprinkler system according to the Standard
36 for the Installation of Sprinkler Systems (NFPA-13).
37

38 (4) Plans and Specifications: Plans and Calculations (NFPA-13, Chapter
39 8) for the service lateral and fire sprinkler system shall be submitted
40 to and approved by the Fire Prevention Bureau prior to installation of
41 equipment and materials.
42

- 43 a. For the Kentucky Street installations that are required on or
44 before December 31, 2010 or December 31, 2016, all Plans
45 and Calculations for service lateral and sprinkler systems shall
46 be submitted no later than June 30, 2010 or June 30, 2016
47 respectively, with installation and approval of work to occur
48 prior to December 31, 2010 or December 31, 2016
49 respectively.
50
51 b. For Petaluma Boulevard North installations that occur in the
52 last year of the six (6) or twelve (12) year deadline (when

established) after the installation of the water main by the City of Petaluma, Plans and Calculations shall be submitted in that last year no later than June 30 of that year, with installation and approval of work to occur prior to December 31 of that last year.

Section 903.3 is amended as follows:

903.3 - Installation Requirements. Sprinkler systems shall be designed and installed in accordance with NFPA-13, NFPA-13R (if approved by the Fire Code Official) and NFPA-13D. Pursuant to Section 102.7.1 and Section 105.1.4, the Fire Code Official may require additional sprinkler coverage to mitigate certain conditions such as access or water supply issues.

Section 903.3.1 is amended to read:

903.3.1 - Design Criteria. Fire sprinkler systems installed in buildings of undetermined use shall be designed and installed to have a design density of .33 gallons per minute per square foot over a minimum design area of three thousand square feet (3,000' sq.). Where a subsequent occupancy change requires a system with greater capacity, it shall be the building owners' responsibility to upgrade the system to the required density and meet any additional requirements of the Fire Code at the time of such change.

Section 903.3.7 is amended to read as follows:

903.3.7 - Fire Department Connections. The location of fire department connections (FDC's) shall be within fifty feet (50') of a fire hydrant or as approved by the Fire Code Official. Approved locking caps shall be provided on all newly installed FDC's and on any existing FDC's found to be vandalized.

Section 903.4 is amended to read as follows:

903.4 - Sprinkler System Monitoring and Alarms. Except for Group R, Division 3 Occupancies, all valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, temperatures, critical air pressure and water flow switches shall be electronically supervised. Valves when used for standpipes are excluded from this provision unless required by the Fire Code Official.

Section 903.4.2 is amended to read as follows:

903.4.2 - Alarms. One (1) exterior approved audible and visual device shall be connected to every automatic fire sprinkler system in an approved location. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic fire sprinkler system shall actuate the building fire alarm system.

Every new commercial fire alarm system installed as a sprinkler system monitoring alarm, including those systems activated solely by fire sprinklers, shall also function for the purpose of occupant notification, so that occupants of the building shall be notified audibly and visually within each major suite or tenant space. A minimum of one (1) notification device shall be located in each major suite in a normally occupied location as determined by the Fire Code Official or building division.

Section 905.3.1 is amended to read as follows:

905.3.1 - Building Height. Class I standpipes shall be installed in buildings three stories or over in height and/or if, in the opinion of the Fire Chief, a hazard or condition exists in which the installation of standpipes would improve firefighting operations. Standpipes will be provided with approved outlets provided on each floor level, including the roof when roof access is provided.

Section 905.9 exception 2 is deleted.

Section 907.10 is added to read as follows:

907.10 - False Fire Alarms. Owners of properties with a fire alarm system shall maintain the system in accordance with section 907.8. False alarm fees shall be assessed per the current adopted city fee schedule.

Section 1907.2 is hereby added to read as follows:

1907.2 - Prohibited Concrete Reinforcement Materials. Welded Wire Fabric of any size or gauge shall not be used as concrete reinforcement of any concrete slab or flat work including, but not limited to, flooring, sidewalks, patios, driveways, foundation slabs, equipment slabs, and roadways.

APPENDIX- Chapter J is hereby modified by deleting J103.2 Exception 1.

Section 3109 is hereby modified to read as follows:

3109.4 - Residential Swimming Pools. Exception is deleted.

Section 3109.4.1 is hereby modified in part to read:

3109.4.1 Barrier Height and Clearances. The top of the barrier shall not be less than 72 inches (1829 mm) above grade measured on the side of the barrier that faces away from the swimming pool.

SECTION 2.5: The California Residential Code, as adopted in section 17.04.010, is hereby amended to include the following additions, amendments and deletions:

Section AG105.2 (1) is modified in part to read:

(1) The top of the barrier shall not be less than 72 inches (1829 mm) above grade measured on the side of the barrier that faces away from the swimming pool.

SECTION 4. SEVERABILITY

If any part of this ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision will not affect the validity of the remaining parts of this ordinance. The City Council of the City of Petaluma hereby declares that it would have adopted this ordinance and each of its provisions irrespective of any part being held invalid.

The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to section 15050(c)(2) of the CEQA Guidelines, because the activity has no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to section 15060(c)(3) of the CEQA Guidelines, because the activity is not a project as defined in Section 15378 of the CEQA guidelines.

This ordinance will become effective thirty days after the date of its adoption by the Petaluma City Council; however, the provisions of this ordinance will not become operative until January 1, 2014, at the same time the 2013 edition of the California Building Standards Code takes effect.

SECTION 8. POSTING/PUBLICATION

The City Clerk is hereby directed to post and/or publish this ordinance or a synopsis for the period and in the manner required by City Charter.

INTRODUCED and ordered posted/published this 21st day of October, 2013.

ADOPTED this 18th day of November, 2013 by the following vote:

Ayes: Vice Mayor Albertson, Healy, Kearney, Miller
Noes: Barrett, Mayor Glass
Abstain: None
Absent: Harris


David Glass, Mayor

APPROVED AS TO FORM:

Claire Cooper
Claire Cooper, City Clerk


Eric Danly, City Attorney

1
2 **EXHIBIT "A"**
3

4 **CLIMACTIC**
5

6 **Precipitation:** Precipitation ranges from twenty inches (20") to approximately twenty-five inches
7 (25") per year. Approximately ninety percent (90%) falls during the months of November through
8 April, and ten percent (10%) from May through October. Severe flooding occurred during the
9 months of January and March, 1995 and in 1998 and 2006.

10
11 **Relative Humidity:** Humidity generally ranges from fifty percent (50%) during daytime and eighty-
12 six percent (86%) at night. It drops to twenty-percent (20%) during the summer months and
13 occasionally drops lower during the months of September through November.

14
15 **Temperatures:** Temperatures have been recorded as high as 104 degrees Fahrenheit. Average
16 summer highs are in the 78-85 degree range.

17
18 **Winds:** Prevailing winds are from the northwest. However, winds are experienced from virtually
19 every direction at one time or another. Velocities are generally in the 5-15 mph range, gusting to
20 7.4-30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been
21 known to occur.

22
23 **Soils:** Much of Petaluma has "Adobe" type soil. This soil has very high clay content and is
24 extremely expansive. With Petaluma's dry summers and wet winters, the moisture content of the
25 soil varies greatly during the course of the year. This moisture content change causes
26 expansion/contraction of the clay soil. This expansion/contraction can place significant loads
27 on concrete slabs and foundation systems making some "standard" foundation
28 methods/materials inappropriate for the local conditions encountered.

29
30 **TOPOGRAPHIC**
31

32 The topographic environment of a community is primarily a combination of two (2) factors: the
33 area's physical geographic characteristics and the historic pattern of urban-suburban
34 development. These two (2) factors, alone and combined, create a mixture of environments
35 which ultimately determine the needs of the City of Petaluma's Building regulations.

36
37 The basic geographical boundaries of the city include hills to the south and west, and valley
38 floor in the central area and to the north and east. The Petaluma River bisects the city through
39 the central area. The City of Petaluma covers 13 square miles, including an urban population
40 estimated at 58,000. The city's service area is a conglomeration of bay, plains, hills, valleys, and
41 ridges.

42
43 **GEOLOGICAL**
44

45 The relatively young geological processes that have created the San Francisco Bay Area are still
46 active today. Two (2) active earthquake faults (San Andreas and the Hayward-Rodgers Creek)
47 affect the Petaluma area. Approximately fifty percent (50%) of the city's land surface is in the
48 high-to-moderate seismic hazard zones.

49
50 Many of the soils found throughout the City of Petaluma are highly expansive adobe type soils.
51 The combination the highly expansive nature of these soils along with the long dry summers

1 followed by a compressed rainy season create high stresses on building foundation systems, as
2 such some simpler types of foundation systems are not adequate for these soils conditions.

3
4 As there are no "isolated, self-contained" areas within City limits the Grading Permit exception
5 J103.2 (1) was removed for clarity.

6 7 **PROCEDURAL CLARIFICATION**

8
9 Changes to the Stop Work Order section are made to more clearly explain the Stop Work Order
10 process and to establish the penalties for violations of this section.

11 12 **DEFINITION CLARIFICATION**

13
14 Due to code enforcement problems in the past, the description of buildings not requiring permits
15 was expanded to help clarify when permits are/are not required.

16 17 **CONTINUITY**

18
19 All the amendments to Chapters 7 and 9 of Part II (Building Code) of the California Building
20 Standards Codes contained in this Ordinance are made so that they reflect amendments to
21 chapters 7 and 9 of Part 9 (Fire Code) of the California Building Standards Code made through a
22 separate Ordinance sponsored by the Fire Marshal's Office.

23 24 **SUMMARY**

25
26 These local climatic conditions affect the pressures applied to concrete flatwork and
27 foundations beyond the strength of welded wire fabric reinforcement material.

28
29 The population and housing density increased the dangers of accidental drowning's thus
30 requiring the need to have taller swimming pool barriers.

31 32 33 **CONCLUSION**

34
35 The local climactic and geological conditions have necessitated these minor modifications to
36 the Title 24 California Building Standards Codes.

**EFFECTIVE DATE
OF ORDINANCE**

December 19, 2013

ORDINANCE NO. 2474 N.C.S.

RECEIVED
2013 DEC -4 P 2 12
CALIFORNIA BUILDING
STANDARDS COMMISSION

Introduced by

Seconded by

Gabe Kearney

Mike Healy

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF PETALUMA REPEALING
AND REPLACING SECTIONS 17.20.010, 17.20.040, 17.20.050 AND 17.20.060 OF THE
PETALUMA MUNICIPAL CODE TO ADOPT THE 2013 CALIFORNIA FIRE CODE, CALIFORNIA
BUILDING STANDARDS CODE, TITLE 24, PART 9, BASED ON THE 2012 EDITION OF THE
INTERNATIONAL FIRE CODE, INCLUDING LOCAL AMENDMENTS TO SPECIFIED PROVISIONS
OF THE CALIFORNIA BUILDING STANDARDS CODE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

SECTION 1: Sections 17.20.010, 17.20.040, 17.20.050 and 17.20.060 of the Petaluma Municipal Code are hereby repealed in their entirety.

SECTION 2: Pursuant to California Health and Safety Code section 17958.7, the City Council makes the factual findings set forth in "Exhibit A" attached hereto and incorporated herein by reference, and finds that the amendments made in this Ordinance to the California Building Standards Code, Title 24, Part 9, 2013 California Fire Code, based on the 2012 Edition of the International Fire Code, are reasonably necessary because of the local climatic, geological or topographical conditions set forth in said Exhibit.

SECTION 3: Section 17.20.010 of the Petaluma Municipal Code is hereby added to read as follows:

17.20.010 - ADOPTION OF CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, PART 9, 2013 CALIFORNIA FIRE CODE, INCORPORATING THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE

There is hereby adopted by the City of Petaluma for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code and Standards known as the California Code of Regulations Title 24, Part 9, 2013 California Fire Code (CFC), incorporating the 2012 Edition of the International Fire Code, including Appendices, Chapter 4, A, B, C, D, E, F, G, H, I, and J published by the International Code Council and the California Building Standards Commission, being particularly the 2013 Edition California Fire Code (CFC) and the whole thereof, save and except such portions as are hereinafter deleted, added or amended

**EFFECTIVE DATE
OF ORDINANCE**

December 19, 2013

ORDINANCE NO. 2475 N.C.S.

Introduced by

Seconded by

Mike Healy

Gabe Kearney

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PETALUMA ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCLUDING: PART 1, 2013 CALIFORNIA ADMINISTRATIVE CODE; PART 2, 2013 CALIFORNIA BUILDING CODE; PART 2.5 CALIFORNIA RESIDENTIAL CODE; PART 3, 2013 CALIFORNIA ELECTRICAL CODE; PART 4 2013 CALIFORNIA MECHANICAL CODE; PART 5 2013 CALIFORNIA PLUMBING CODE; PART 6, CALIFORNIA ENERGY CODE; PART 8, 2013 CALIFORNIA HISTORICAL BUILDING CODE; PART 10, 2013 CALIFORNIA EXISTING BUILDING CODE; PART 11 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE; AND PART 12, 2013 CALIFORNIA REFERENCED STANDARDS CODE, AND LOCAL AMENDMENTS TO SPECIFIED PROVISIONS OF THE CALIFORNIA BUILDING STANDARDS CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

SECTION 1: REPEALED. Section 17.04.010 entitled "Adoption of Uniform Codes" and Section 17.04.020 entitled "Amendments Made in California Building Code" of the Petaluma Municipal Code are hereby repealed in their entireties.

SECTION 2: FINDINGS. The City Council of the City of Petaluma finds that in order to best protect the health, safety and welfare of the citizens of the City of Petaluma, the standards of building within the City must conform with state law except where local climatic, geological, and topographic conditions warrant more restrictive regulations. These considerations support adoption of the state building codes contained in California Building Standards Code, Title 24, and other uniform codes governing the construction and regulation of buildings and structures with the modifications and amendments contained herein.

Pursuant to California Health and Safety Code Section 17958.7, the City Council makes the factual findings set forth in "Exhibit A" attached hereto and incorporated herein by reference, and finds that the amendments made in this ordinance to the California Building Standards Code Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11, and 12, are reasonably necessary because of the local climatic, geological or topographical conditions described in Exhibit A.

SECTION 3: CURRENT BUILDING CODES ADOPTED.

Section 17.04.010 entitled "Adoption of Uniform Codes" and **Section 17.04.020** entitled "Amendments made in California Building Code" are hereby added to the Petaluma